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PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY OF MARYLAND

(19)

1737-1740

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BERNARD CHRISTIAN STEINER

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LETTER OF TRANSMISSION

ROOMS OF THE MARYLAND HISTORICAL SOCIETY,

BALTIMORE, *April 1, 1921.*

To the Maryland Historical Society:

GENTLEMEN:

We have the honor to submit the Fortieth Volume of the Archives of Maryland, containing the Proceedings and Acts of the General Assembly of the Provinces, at the Sessions held from 1737 to 1740.

The text of the volume is taken from the Calvert Papers and from the manuscript volumes of journals and laws in the Maryland Archives deposited with the Society.

The period covered by this volume is one which tried Ogle's skill as Governor and his action in regard to the proceedings of the Legislature furnishes a good illustration of the truth of Osgood's words (American Colonies in the Seventeenth Century, III, 314): "The British colonial system was Roman and feudal, that is provincial in character" and the "forces which were moulding it after this model came necessarily and at once into conflict with the democratic and separatist tendencies which were inherent in colonial life. The central thread of our colonial history is to be found in the record of that conflict."

Ogle was a diplomatic man, whose friendliness to the Anglican Church is praised by Anderson in his Colonial Churches (Vol. III, pp. 177-219) as much as Lord Baltimore's unfriendliness is blamed. He steered the ship of state skilfully through the reefs, but the early neglect of this period of Provincial History is shown from the fact that Justin Winsor in treating of the Provincial History completely overlooked him (Vol. V, 259 and ff.). In fact the whole history of British America in the Eighteenth Century is being now rewritten in true perspective, so as to give a correct vision of it and thus in Gwatkin's words: "Not by increasing worship of the past, nor by ignorant contempt of it, nor yet by partisan distortion of it, but by critical and sympathetic study, we shall learn something of the grandeur of our own time, and of the meaning of the mighty questions which lie before us and our children."

S. E. Dawson well wrote that "Religion and Law are the two organizing forces of Society." During the years covered by this volume scarcely any new statutes were passed, owing to legislative dissensions, yet the Province in general appears to have been law-abiding. We have not much information

as to conditions in Maryland outside of the records here published. There are a few waifs and strays in print or in manuscript. The Sloane Papers the British Museum (Andrews I 68) contains a letter from A. Scott about a rattlesnake in 1739, and one from Edward Lloyd about an oyster with a pearl in 1740. On December 13, 1738 (14 Va. Mag. 236), John Tayloe was permitted by the Virginia Council to import free of duty into that Province iron ore from Maryland for the more easy fluxing of ores from the Virginia mines. A curious document dated Blackwall, March 22, 1739/40, was recently offered for sale by Maggs Brothers of London in their catalogue No. 242, giving the names of 114 convicts from Newgate Prison to be transported to Maryland (see on this general subject, McCormac, *White Servitude in Maryland* in J. H. U. Studies Series XXII).

Since the appearance of earlier volumes of the Archives, Professor Beverly W. Bond, Jr., has written an elaborate study of the "Quit Rent System in the American Colonies." His conclusions as to Maryland are as follows:

"At the outbreak of the Revolution, the revenue from the quit-rents of Maryland was fully twice as large as the returns from this source in any other colony. This result, which was a tribute to the able management of the proprietaries and their officials, had been secured by a consistent and moderate policy. In the beginnings of settlement the proprietary of Maryland had established for all grants a uniform quit-rent that was increased only once. Consequently, the exorbitant and confusing rates found on the Pennsylvania rolls were avoided. Moreover, unlike the Penns, the Calverts developed an excellent system of collection, being sufficiently broad-minded to see the necessity of ample allowances in order to secure a force of competent collectors. Other excellent features of the general proprietary administration of the quit-rents in Maryland were the readiness with which exemptions or special rates were granted and the general disposition to be moderate in the method of enforcement and the medium of payment."

"The effective quit-rent system worked out in Maryland under the Calverts is a proof of what could be accomplished. Its most noticeable feature is the organization of a special group of officials whose sole business was the supervision and collection of the quit-rents and other dues from the land. Not having their attention diverted by a multitude of other duties, and with a fair recompense, these officials turned their attention to the quit-rents with gratifying results. Then, too, under such a system it was possible to keep closely in touch with local needs and to meet each crisis as it arose. To this close supervision, in connection with the tactful and broad-minded policy of the proprietaries, the success of the quit-rent system in Maryland was due."

While Ogle was struggling to preserve the Proprietary's interests in Maryland, Lord Hervey's Memoirs give us glimpses as to Lord Baltimore's occupation in England. As these notices of the Proprietary have escaped the attention of most students of Maryland History, it is worth while to make a reference to them. In 1735 (II, 191), Frederick, the Prince of Wales, sent Baltimore, the Lord of his Bedchamber, to dismiss the Prince's mistress, when he was about to marry the Princess Augusta of Saxe-Coburg-Gotha.

In 1736 when a violent storm at sea occurred, giving rise to the fear that George II, who was on the Continent about to sail for England, might have set forth and have been shipwrecked. Lord Hervey talked at the opera with "Lord Baltimore, who was a great sailor himself and thought to have great skill in sea affairs." Baltimore believed that the king had embarked and that it was impossible for any ship to put into an English port during the continuance of the storm, but he was wrong as to both points, for a ship came into harbor that very day with news that George II had not sailed (III, p. 13).

In 1737, occurred great and sordid dissention between the Prince and his parents. Baltimore (III, 79) advocated in the House of Commons the Prince's request that he receive a larger allowance, desiring £100,000 annually. The king and Sir Robert Walpole successfully opposed the measure and, before it was introduced, Walpole had an interview with Baltimore, "one of the Prince's Lords of the Chambers," to see what he and others "could do towards diverting him from this measure."

Later in the year, the king spoke of Baltimore, as one "who thinks he understands everything and understands nothing—who wants to be well with both Courts and is well at neither—and, *entre nous*, is a little mad" (III, 239). A little later, Queen Caroline told Lord Hervey (III, 245) that Baltimore compared his friend, the Prince's, "bravery and resolution to that of Charles the XII of Sweden." After a complete breach between the Prince on the one side and the King and Queen on the other, Baltimore wrote Lord Grantham on September 13, 1737, in the vain endeavor to transmit a letter from the Prince to the Queen (III, 247). On the 20th the Queen wrote the Princess Augusta a friendly letter, which Prince Frederick showed Baltimore, asking him how he liked it (III, 263).

Baltimore used always to vote with the Court, supporting Walpole, in spite of friendship for the Prince, and with others sent word to Frederick, that, by taking Mr. Lyttleton as his Secretary, they feared that he "designed to go entirely into the measures of those who opposed that Court." They should ever adhere to Frederick "in any question in Parliament, where he was personally concerned," but "they could not possibly, in public affairs, act in any manner different from the principles by which their conduct had hitherto been in-

fluenced, and must always support the King's government and administration" (III, 285).

An interesting reference to Governor Ogle and his family is found in an article entitled, "American Gentleman of the Olden Time," by Benjamin Ogle Tayloe in Tyler's "Quarterly Magazine," Vol. II, p. 87.

The Session of the General Assembly held in April and May, 1736, saw the adoption of addresses to King George II and Frederick, Prince of Wales caused by the marriage of the latter. Lord Baltimore answered the Provincial Address, declining to accept the proffered equivalent for quit-rent and alienation fees and promising to do what he could in regard to the importation of salt (on the importance of this subject see E. B. Greene's *Provincial America*, p. 178). The usual report was made as to Bills of Credit (On Maryland Paper Money see 12 N. Y. Public Library Bulletin, May, 1908, pp. 318, 319). Fourteen laws were passed, of which the Governor vetoed one, supplementing those "for the Relief of Debtors and ascertaining the Manner of Traders of Tobacco." Two private acts docked entails of land and another relieved a London merchant from paying taxes on tobacco shipped upon his vessel which was lost at sea. It is impossible from the records to determine the merchant's name, which was either Tower or Torvor. The printed Session Laws as well as Bacon in his Laws use the latter form and, in the text, we have followed their example. The Public Local Laws were concerned with the laying out of Leonardtown, Georgetown in Kent County, and Joppa, with the building of a Church in Cecil County and of a jail in St. Mary's County.

It was decided that the land on which the Governor's house was to be built might be outside of the Annapolis town fence and that William Parks must print the Session Laws more promptly, if he were to be paid for said printing. Three laws dealt with criminal matters: One of these provided penalties for breaking into tobacco and other out houses, for stealing "boats and other vessels, and even slaves"; the second concerned the trial and punishment of negroes and other slaves accused of crime; and the third was devoted to the apprehension and punishment of two bandits named Turner and their accessories.

A rather important act "for the ease and encouragement of settlers in the remote and back parts of the Province" failed, because of disagreement between the two Houses, and the Upper House refused to pass the Journal of Accounts, because the Lower one would not agree to pay a sum to George Gale, Chief Justice of the Provincial Court, for his able discharge of duty in that office.

Benjamin Tasker succeeded John Hall as President of the Upper House, and Grundy Pemberton was chosen a member of the Lower House from Queen Anne's County, in place of William Hemsley who had died. There were only

two divisions during the session. The first occurred on May 11, when, by a vote of 25 to 19, it was decided to permit inhabitants of the Province, who are not tobacco makers, to pay specie instead of tobacco. In the Journal Warfield is recorded as voting on both sides. From the location of the names it is probable that the man who voted in the affirmative was Woolford, because his name is placed between that of two other representatives of Dorchester County. The significance of the vote is difficult to determine, for the tobacco counties divided—Prince George's delegation and the majority of the St. Mary's and Calvert men voting for it, while Charles was against it. The second division, concerning the payment to Colonel Gale, took place on May 28, the last day of the Session. Of the members then present, 22 voted to refuse the payment and 15 voted to make it. The division nearly coincides with the representation from the two Shores. On the Eastern Shore, only Wilson of Kent, Stoughton of Somerset and Tilghman of Queen Anne's voted for the grant, while 17 of the votes against it came from that part of the Province. On the Western Shore only Waughop of St. Mary's, Mackall of Calvert, Hanson of Charles and the two Annapolis representatives voted against the payment, while twelve voted for it. There were thirteen absentees, as some men always left before the last day. Of these absentees nine were from the Western and four from the Eastern Shore.

The Session of August 1737 was a brief one, called on account of a "very great drought," so as to pass an Act to "Prohibit the Exportation of Grain, Bread and Flour." Other acts passed repealed the law which limited the time of shipping tobacco, and continued actions in the County Courts. A private act was passed for the relief of a Prince George's County man imprisoned for debt. The copyist of the Upper House Journal was careless and it has been necessary to supply several words from the Lower House Journal, which words are indicated by brackets.

An important address to the King from the General Assembly deals with the Pennsylvania border troubles and, in the Lower House Journal, is printed the petition of the General Assembly of Pennsylvania, giving the other side of the dispute, in whose phase at that time Captain Thomas Cresap was so prominently involved. There were no divisions of the Lower House at this Session. Richard Tilghman had succeeded Benjamin Tasker as President of the Council.

The Session, which began upon May 3, 1738, ended without any acts being passed, on account of a very childish quarrel between the two Houses. Matters seemed to go on smoothly, until May 17, when a member of the Upper House, sent with a message to the Lower, was "not admitted to deliver it, but desired to wait." The Upper House felt its dignity hurt and, consequently, on the following day, sent a message by its Clerk, John Ross, that it would, hereafter,

transmit messages through him. He went to the door of the Lower House and, when he told the Sergeant-at-Arms of his business, the Speaker came to the door and took the message from him. Then the Lower House indignantly complained of the "behaviour of your Clerk," who called "our Speaker out of the Chair and out of the House." The Delegates stated that they "had no intention to treat your House, or any member of it, but with the greatest decency and good manners," and were willing to interchange messages by clerks. This message was sent by two members, and seems to open the door to an arrangement with the Upper House, but the response was made at once in bitter and uncompromising words. John Ross carried this message and "waited for some time to deliver it." Then the Clerk of the Lower House told him that the "Lower House would not receive any message from him, until they had a suitable answer to the message sent this morning." Presumably, they were offended, because a member of the Upper House did not bring the message; though the words of their own message scarcely justified such a position. On the next day, Ross took the message again and was again refused admittance. McNemara, the Clerk of the Lower House, then vainly tried to force Ross to take a message therefrom. That occurrence was on Friday and on Saturday and on Monday the deadlock continued. On Monday afternoon, the Upper House sent an address to Governor Ogle, asking that he prorogue the Assembly, as there was no hope of an accommodation. This he did, accordingly, on Tuesday afternoon. When the Session began, the temper of the Lower House was good and they agreed to waive their former claim to be called a House of Delegates.

At the beginning of the Session, Ogle urged that the act for purchasing arms and ammunition be continued. Not only did that project fail, but also measures to provide that Jonas Green become the public printer instead of William Parks who had removed to Virginia, a bill to encourage the making of linen cloth, an act for naturalization, one laying an imposition on negroes imported, etc., as well as several local and private acts.

The General Assembly of 1738 was a newly elected one. James Harris of Kent County, the former Speaker, was in transit to the Upper House and Colonel John Mackall, of Calvert, was chosen Speaker, a position he had held in former years. Matthew Tilghman Ward succeeded Richard Tilghman as President of the Upper House. Daniel Dulany was chosen, both for Annapolis and Anne Arundel County and, selecting the latter seat, another election was held in Annapolis, resulting in the choice of Robert Gordon, who was sworn in just before the prorogation of the Session. Levin Gale was also transferred to the Council during the Session and a writ was ordered, so as to have the vacancy filled. He sat in both Houses during the course of the Session—a remarkable record.

The last previous Assembly was elected in 1734, four years previously, and there were many changes, as the following list shows, in which the new members are indicated by italics: St. Mary's, John Read, James Waughop, *James Swan, Thomas Aisquith*; Kent, George Willson, Philip Kennard, *Thomas Smith, Charles Hynson*; Anne Arundel, Daniel Dulany, Vachel Denton, *Philip Hammond, Samuel Smith*; Calvert, John Mackall, Benjamin Mackall, Walter Smith, *James Weems*; Charles, John Courts, William Middleton, *Bayne Smallwood*, Robert Hanson; Somerset, Levin Gale, Robert King, William Stoughton, *Robert Jenkins Henry*; Talbot, Nicholas Goldsborough, *William Thomas, Edward Lloyd, Robert Lloyd*; Dorchester, Henry Hooper, Henry Trippe, *Bartholomew Ennals, John Brannock*; Cecil, Joshua George, *Thomas Colville, William Rumsey, Alphonso Cosden*; Baltimore, Thomas Sheredine, Roger Matthews, John Moale, *Richard Caswell*; Prince George's, John Stoddert, Edward Sprigg, John Magruder, *Turner Wootton*; Annapolis, *Daniel Dulany* (later Robert Gordon), *Charles Carroll*; Queen Anne's, Grundy Pemberton, *Solomon Clayton, Edward Wright, Thomas Wilkinson*. Each County returned at least one new man and in all there were twenty-two of them, though Brannock of Dorchester had served in a previous legislature. As there were three Smiths and two Lloyds, it is difficult sometimes to identify the member to whom reference is made.

Six Committees were appointed, four of which consisted of five members; while two, which were considered more important, consisted of seven and eight members, respectively. The Committee of Aggrievances and Courts of Justice summoned before it the sheriff and under-sheriff of Dorchester County and certain justices of the Talbot County Court to answer charges of oppression and extortion and complained of the fact that the officers took fees, in accordance with a Gubernatorial proclamation and not in accordance of law. One of the Talbot County justices, John Leeds, was also convicted of contempt of the House and, refusing to make the apology tendered him, was put in the custody of the sergeant-at-arms.

There were only two divisions. On May 17, it was decided that a bill should not pass prohibiting the importation of horses, by the close vote of 22 to 23. It is difficult to find the significance of this vote, though in general the Eastern Shore (except Kent, Dorchester and Somerset Counties) opposed the bill, giving fourteen negative votes; while the same number of votes from the Western Shore were cast in the affirmative.

The second division was upon the continuance of sundry actions in the Provincial Court which passed, by a vote of 25 to 14, on May 18. St. Mary's and Dorchester each cast three negative votes and there were no negative

votes from Anne Arundel, Charles, Somerset, Cecil, or Queen Anne's. Annapolis was not represented. There seems no particular significance in the vote.

In the manuscripts contained in the collections of the Maryland Historical Society are found the following original papers probably all intended to be presented at this Session: Petitions of Joseph Mariner, of Kent County, debtor (Black Book 6 No. 41 and 44); of Levin Hill, debtor (Black Book 4 No. 61, 6 No. 42); of Archibald Caldwell of Dorchester County, debtor (Black Book 9 No. 82); of Richard Hill, of Anne Arundel County, debtor (Black Book 8 No. 76); Joseph Williams, of Anne Arundel County; petition about deed to William's Range in Prince George's County (Black Book 6 No. 46); petition of Archibald Simpson about repair of public record books (Black Book 6 No. 55); petition of Jacob Gore, cryer of Talbot County, about his fees (Black Book 6 No. 48); petition of David Peterkin of Dorchester County asking to be relieved from a bond to keep the peace (Black Book 6 No. 45); petition of Nicholas Hammond to be relieved from responsibility for his servants breaking goal (Black Book 6 No. 47).

The General Assembly which was elected in 1739 had fully as a resultless a Convention—though there was better excuse for the ineffectiveness of the meeting. Colonel John Mackall was again chosen as Speaker. Ogle warned the Assembly to beware of contention, suggested that laws be passed permitting the dues of the "back inhabitants" to be paid in paper instead of tobacco, and recommended that the temporary duty for purchasing arms and ammunition be continued, with especial view to the danger of that war with Spain, which actually came about in the next year. He also hoped that an arrangement might be made with the Anglican clergy whereby the forty pound tax per poll might be paid them in paper, instead of tobacco. The first days augured well and many private and local bills which were introduced were in a fair way toward passage. An interesting proposal was one to grant Abraham Wood of St. Mary's a patent for his "Method of building a Mill which will grind any manner of Grain, without the assistance of Wind, Water, or Horses"—we wonder what that method was?

Trouble soon began. The Lower House, in their address to Governor Ogle, spoke of the dissention in the last year and that address was printed, so that the Upper House felt itself obliged to rehearse the story to the Governor on a long defense. Ogle refused to say which side was then wrong, but praised the Upper House for its moderation at the opening of the present Session.

Shortly afterwards, the Lower House again took the initiative in what soon became a quarrel with the Upper one. On May 29, they sent a message (and, by the way, both Houses had returned to their old custom of sending messages by members), complaining that the Upper House had rejected a bill which had

been passed by the Lower one, fixing officers' fees, and asking that a conference committee be appointed. The Upper House agreed to this, but showed rather more acerbity in its reply than the Lower one had manifested in its proposal. The Lower House showed great irritation, but appointed its conferees. On May 31, the Upper House refused to pass the bill for "raising an Annual Revenue for the better support of his Lordship's Government," mainly because of language used in the preamble and placed the bill on the Journal (a very unusual practice) so as to make a record of the objectionable features. The conference as to fees failed, because the Lower House would not agree to a "perpetual law" and the two subjects of difficulty became merged in one bitter contention. Long and sharply worded papers were sent by each House to the other. Finally, the Upper House insisted that several temporary laws, passed to endure for three years, or until the end of the next Session of the Assembly, be revived. The Lower House refused to pass these laws and called to the attention of the Upper one, that not all the money already raised for arms and ammunition had as yet been expended. The Upper House, rejoined that, in case of war, much more money would be needed for that purpose. Ogle now took side with the Upper House and refused to sign any bills passed, so that the meeting should not become a Session, and so terminate the temporary laws. He then prorogued the Assembly on June 12. Just before the prorogation the Upper House had a further disagreement with the Lower one as to some items in the Journal of Accounts.

An important report from a Committee on the paper currency, which is spread upon the Upper House Journals, is worthy of notice.

A petition for a road from Annapolis to the back country and an attempt to form a new country there show how rapidly the German settlers were coming across the border from Pennsylvania.

John Ross had copied the proceedings of the Council in seven volumes, thereby earning the gratitude of all students of Maryland History. The Upper House requested that he should be paid for this service.

The Lower House saw few changes in its membership and, doubtless, took this return of the members of the Assembly of 1738 as an approval of their course by the voters. St. Mary's, Charles, Baltimore, Dorchester, Talbot, and Queen Anne's Counties made no changes in their delegations. Annapolis and Anne Arundel County interchanged Dr. Carroll and Dulany. Joseph Hall succeeded to Benjamin Mackall in Calvert County, Osborn Sprigg to John Stoddert in Prince George's, John Gale to Levin Gale in Somerset, James Calder and William Harris to Philip Kennard and Thomas Smith in Kent; and Thomas Johnson to Alphonso Cosden in Cecil. There were only six new members and one of these, Johnson, was a member of former houses and succeeded a man who had died.

The usual six committees were appointed: Four consisting of five members and two of seven. Seven members served on two committees and some were appointed on no committee at all.

The Resolutions of 1725 were spread upon the Journal, which had not been done in the two previous Assemblies. Question was immediately raised as to whether the meeting of 1738 had been a Session or not. As soon as the Governor's address was delivered, the answer proposed to be made aroused discussion and led to three divisions—the first ever recorded upon such a subject. In all of these, the anti-Proprietary Party won by votes of 31 to 9, 31 to 10, and 32 to 9. The consistent Proprietarians were Harris and Hynson of Kent, Dulany and Gordon of Annapolis, Colville and George of Cecil. To these Calder of Kent, Thomas of Talbot, Henry and Gale of Somerset added themselves in two divisions and Goldsborough of Talbot and Aisquith of St. Mary's in one division. All but the Annapolis delegates and Aisquith came from the Eastern Shore and no full County delegation voted against the country party. The answer was truculent in tone, turgid in rhetoric, full of sound and fury, and careless in statement—for example, speaking of the Lower House as if it were a continuous body, Ogle answered it with force and dignity, calling attention to the extravagance of statements.

When it was decided to bring in a fee bill, the anti-Proprietary Party, by a vote of 29 to 9, carried the payment of the fees in tobacco instead of in money. Those who voted for payment in money were Wilson, Harris, Calder and Hynson of Kent, Gassaway of Anne Arundel, Thomas of Talbot, George of Cecil, and Dulany and Gordon of Annapolis. Curiously, all but the Annapolis men and Gassaway were from the Eastern Shore and the Kent County delegation stood unanimously for money payment.

The next division occurred upon the question of bringing in a new Assize Bill, upon which the vote was 28 for and 15 against. In general, the Proprietary Party voted in the negative, but there were some exceptions.

The Lower House was eager to seize upon instances of malfeasance in office. They had discovered in 1738, what appeared to be a genuine grievance in Dorchester County, but their additional muck-raking, at this time, revealed only one additional instance of alleged misconduct—an extortion of two pence halfpenny in Prince George's County! On May 16, two divisions took place, in which amendments made by the Upper House to bills were approved by votes 33 to 11 and 32 to 12, respectively. The two negative votes included the whole Prince George's delegation. I can find no particular significance to many of the votes, though of course, the Proprietary Party voted in the affirmative.

On May 18, the House, by vote of 18 to 21, decided not to allow the Sheriff of Talbot County anything for expenses in hiring a guard to prevent William

Turner's escape from prison. In the affirmative, all the votes except four came from the Eastern Shore and the solid vote of Talbot was cast for the measure.

On May 19, a division as to whether the words "His Lordship's Agent," or the word "Judge," should be used in the fee bill in reference to the Register in the Land Office resulted in favor of the former expression, by a vote of 22 to 17. The Proprietary Party voted for the word—Judge.

On May 21, a petition asking for an allowance for a slave who died in jail was rejected, the Speaker casting the deciding vote in the negative, after the House divided 20 to 20.

On the same day, the Committee of Aggrievances filed an enormously long report to the effect that the Proprietary was wrongly collecting certain duties on tobacco.

On May 22, a division occurred upon the question as to whether a judge riding the circuit should be allowed more than thirty-five pounds currency for each circuit. The anti-Proprietary Party voted to grant no more and won, 30 to 13. The Proprietary votes came from Kent, Somerset, Cecil, and Annapolis, together with one each from Dorchester and Talbot.

A motion to vote upon the report of the Committee of Aggrievances, before preparing an address to the Governor, was carried on May 23, by a vote of 27 to 18, the Proprietary Party voting in the negative; and upon the concurrence, the vote stood 35 to 10, the Prince George's delegation and three from Queen Anne's joining the Annapolis delegates and Hooper of Dorchester in the negative. Upon the same day, the House voted to pass the Assize Bill by vote of 30 to 13. Of the negative votes, four came from Prince George's, three (including Matthews of the Committee of Aggrievances) from Baltimore, two from Annapolis, two from Anne Arundel, and one each from Kent and Calvert.

The trouble with John Leeds in 1738 will be recalled. On May 24, by a close vote of 21 to 20, the House voted to postpone to the next session sending for Leeds. Most of the delegations divided upon this question, St. Mary's, Charles and Cecil being the only counties without negative votes and Baltimore and Calvert the only ones without affirmative ones.

The firmness of the majority in the House was shown on May 25, when concurrence in the Report of the Committee of Aggrievances upon the duty on tobacco was voted, 42 to 4, the minority consisting of Harris and Hynson of Kent, Hooper of Dorchester and Dulany of Annapolis. On the same day, the Ordinary Bill failed, 26 to 19, the Proprietarians voting in the minority.

On May 26, the Committee of Aggrievances reported that Mrs. Cockshut (mother-in-law of Hall, a Calvert member and client of Dulany) had suffered wrong by the act of Jenings, secretary of the Province and attorney for her

opponents, in insisting upon a judgment bond, and that Clerks of Court ought not to be allowed to practice as attorneys. The House, unanimously, concurred in the report and, then, the same committee reported as to the forms of bonds demanded in the Provincial or Secretary's office, in the land office, and in the Commissary General's office. This report was recommitted and the Committee was instructed to bring in three separate reports covering these offices. When they did so, they omitted a portion of the report as to the land office, which tended to show less oppressive conditions there recently.

The report concerning officers' fees was adopted on May 28, by a vote of 44 to 2, Hooper and Dulany casting the only negative votes and only four members (viz. two from Calvert, one from Somerset and one from Cecil) being absent. On the same day, by a vote of 10 to 30, the House voted not to allow the Attorney General fees for certain services. Several of the strong Proprietary men were absent at this division.

The House voted, on May 29, that it considered alienation fines charged upon devises to be a grievance, by 41 to 2, Dulany and Calder of Kent casting the negative votes, and, upon the same day, by a vote of 43 to 2, approved the report which complained of the exaction of bonds by the Secretary. Both Annapolis men were absent and Harris and Hynson of Kent cast the negative votes. No more divisions occurred until June 5. The House meanwhile, on May 30, sent an Address to Ogle, justifying their claim that the law of 1704 for the support of government was no longer legally in force and that, therefore, that it was right to pass a temporary act for that purpose. On the same day the Committee of Aggrievances made a report, properly condemning the sale, which they had discovered, to their enemy, John Leeds, of the Clerkship of Talbot County by the prior incumbent. This matter was referred to the next Session. On May 31, the same busy Committee reported that Baltimore's proclamations that he intended to vacate patents of land, when these contained surplus, might "prove of the highest and most pernicious consequence." The daily Aggrievance on June 1, was that Chancery Court, without authority of law, had appointed a new officer to collect fees.

Meantime, bills were passing from one House to the other. On June 5, the House voted to draft a new act for purchasing arms to endure for three years, instead of one, by vote of 24 to 17, and then voted, 9 to 32, not to pass the act at all, in spite of the impending war with Spain. The affirmative votes were cast by Dulany, Gordon, Harris, Henry and Gale, who were usually on the Proprietary side and by Waughop, Middleton, Hanson, and Trippe. On that day, Ogle sent a long answer to their address, defending the validity of the law of 1704. The House sent a new address to him, instantly, in which it summarized all its complaints and appended copies thereto of reports of

the Committee of Aggrievances and, on the morrow, June 6, it adopted an address answering Ogle's answer with the law of 1704. Ogle replied to the general address upon grievances, upon June 8, at great length and with considerable skill. On the same day, by vote of 7 to 34, the House voted not to continue the three pence export duty on each hogshead of tobacco. The Annapolis men, two from Charles, and one from Somerset, Dorchester, and Kent cast the affirmative votes.

On June 9, Ogle replied to the House's contention as to the law of 1704, in a paper of length and weight. The House now, 40 members being present, voted to adopt an address to the Proprietary asking for redress—only three members (Stoughton of Somerset and the Annapolis men) opposing the measure. It also voted to adopt an address to the King, to be presented in case the Proprietary would not give satisfaction. Harris, Hanson, Gale and Robert Lloyd joined the opposition, but Stoughton slipped back into the majority. These addresses were not given to the printer, though they were spread upon the manuscript Journal, and so they here appear in print for the first time. A message of complaint was then sent to the Upper House, being approved by a vote of 29 to 8 (five members having left the House). The negative votes came from the Annapolis men, Harris of Kent, three of the Charles and two of the Somerset delegation. This was the last division of the Session.

Two Sessions were held in 1740. The Lower House which had just been elected was as recalcitrant and suspicious as ever at the first session. Col. Mackall had died and Philip Hammond of Anne Arundel County was chosen Speaker. The Upper House Journal has the unusual feature of an appendix composed of messages between Ogle and the Lower House. In his speech at the opening of the Session, the Governor urged the Assembly to lay aside heats and animosities, and to raise money to aid in carrying on the war with Spain. He referred to a recent slave insurrection in the Province, to the restlessness of the Roman Catholics and to the danger of a war with France, as additional reasons for prompt and vigorous action. The Lower House was extremely afraid that, in some way, it should be hoodwinked by the Upper one and a long series of messages passed between them. Finally a conference committee, whose action was endorsed by both Houses, agreed upon two bills, one for an appropriation to pay soldiers and the other for raising money to buy arms and ammunition. The former of these bills was passed, the Upper House having wisely insisted that a tax be levied to pay for the money, but the latter act failed to pass the Lower House, because it insisted that the Upper House should pass all bills which had been sent it in a manner acceptable to the Lower House, before the latter would act upon the Arms and Ammunition Bill. Finally, as there was no probability of the Houses agreeing and as several councillors were

needed to run Provincial boundaries with Pennsylvania, Ogle prorogued the Assembly, after a session of over six weeks. Not only were public acts left unpassed, but debtors continued to languish in prison, steps were not taken toward making a road to the new Western settlements, and acts concerning several parish churches were laid aside.

The Lower House Journal contains a curious speech from Hammond, "disabling" himself from acting as Speaker. Several members had died, in addition to Col. John Mackall, Thomas Gassaway's place was filled by Henry Hall, Mackall's by John Brome, and Solomon Clayton's by Robert Norrest Wright. Later John Moale died, and his place was filled by Richard Gist. Those elected took their position among those opposed to the Proprietary Party, Brome being the most extreme of them. New Committees were appointed, composed of from 3 to 9 members. A petty quarrel, in which both sides showed great regard for their dignity and, in the parlance of today, had played politics, left a rankling feeling of bitterness and filled many pages of the Journal.

The Lower House had appointed a Committee in 1739 to secure certain documents and send them to England together with the Address to the Proprietary. This Committee applied to the Council in July for copies of these papers and were told that they could not have them as a Committee; for the Council recognized no right in the Lower House to appoint a Committee to act during the intervals between Sessions; but that any person might secure such transcripts by paying for them. The Delegates stiffly insisted on having the work done for them as a Committee and the Council and its members as stiffly refused to do so, consequently the copies were not made, nor the address sent. A considerable correspondence ensued between Gov. Ogle and the Lower House upon this matter, showing the latter a stickler for form rather than for substance.

A much more elaborate address to the King was adopted than the one prepared in the preceding year, and more detailed complaints were made.

The Lower House divided 14 times during the Session. The first division occurred upon April 30, on the bill to raise volunteers. In its form, as then presented, the Proprietary Party opposed it; but could only muster 8 votes (to the faithful six from Kent, Somerset and Annapolis were added Middleton of Charles and George of Cecil), while the majority in a thin house numbered 27.

On May 6, a bill for the support of government according to the views of the country party passed by a vote of 31 to 6, the votes against it being two from Kent, two from Annapolis, Henry from Somerset, and Hooper from Dorchester.

Two divisions occurred upon May 9. The first, authorizing the Governor to distribute arms to the Counties, passed by a vote of 22 to 12, the opposition taking the ground that he already had the power and being composed of two votes from Kent, two from Somerset, Hanson from Charles, Thomas from Talbot, Hooper from Dorchester, George and Pearce from Cecil, Edward Sprigg and Wootton from Prince George's, and Gordon from Annapolis. The other vote was more of a test of strength as to preparing an Address to the King and the opposition only mustered 6 votes (Dulany was away on that day) viz. the faithful two each from Kent and from Somerset, with Hooper and Gordon. The majority numbered 31. The report of the Committee of Ag-grievances was approved on May 12, by a vote of 32 to 6, the minority being composed of the same persons as in the vote immediately preceding this one. A motion to enter upon the Journal certain letters which dealt with the controversy over the copying of documents was made on May 13, was supported by the Proprietary Party, and resulted in their only victory upon a roll call during the session; the tally being 21 to 19. Aisquith and Waughop from St. Mary's, Calder from Kent, Henry Hall from Anne Arundel, Middleton and Hanson from Charles, King from Somerset, Robert Lloyd and Thomas from George, Colville and Rumsey from Cecil, and Wilkinson and R. N. Wright of Queen Anne's joined the faithful six in making the majority.

On May 22, three votes were taken concerning a case between the Lord Proprietary and Vachel Denton, which had recently been decided in the Provincial Court. On all three roll calls, the vote stood 22 to 18 and the same persons voted the same way every time. The House first decided to consider whether the decision was correct, then voted that it was not in accordance with the Provincial Statute, and then expressed its opinion that the word "person" included the Proprietary. Harris and Hynson from Kent were absent. The minority (a large one) for the Proprietary side was made up of Aisquith from St. Mary's, Calder from Kent, Hanson and Middleton from Charles, King, Henry and Gale from Somerset, Goldsborough, Robert Lloyd and Thomas from Talbot, Hooper from Dorchester, George Colvill and Rumsey from Cecil, Pemberton and R. N. Wright from Queen Anne's, together with the two Annapolis men.

On May 27, the bill for emitting bills of credit to the amount of £2562.10.0 current money was passed by a vote of 36 to 8. The Proprietary Party: Harris and Hynson, Dulany and Gordon, Gale and Henry, were joined by Middleton of Charles and George of Cecil in the negative. Two days later the Assize Bill—that for the "trial of all matters of fact in the several Counties where they have arisen"—passed by a vote of 33 to 10. In the negative, together with Harris, Dulany, and Gordon, were a curious gathering: Calder

of Kent, Denton of Anne Arundel, Henry Hall of Calvert, Brannock of Dorchester, Mathews (Chairman of the Committee on Aggrievances) and Sherdine of Baltimore, and Edward Sprigg of Prince George's.

The Message to the Upper House sent upon May 30, was approved by a vote of 38 to 6—the highwater mark of the opposition to the Proprietary. Only Harris and Hynson of Kent, Hanson of Charles, Henry of Somerset, Hooper of Dorchester, and Gordon of Annapolis voted no. (Dulany was absent.)

The Lower House determined, on June 2, not to pass the arms and ammunition act, by a vote of 34 to 11. To the six negative votes of the last division were now added Aisquith of St. Mary's, Middleton of Charles, Gale of Somerset, Trippe of Dorchester, and Dulany of Annapolis.

On June 3, the same question was voted upon in the last division of the Session and was carried as before by a vote of 33 to 13—only four members being absent. The minority was increased by the votes of Denton and Henry Hall. We are fortunate to have record of the divisions. In Virginia, the Proceedings give no such information.

In general, the factiousness of the Lower House must be condemned and Ogle's judicious conduct praised.

In the appendix are printed several rather important papers which have not previously appeared in the Archives concerning Pennsylvania boundaries, Indian troubles, and instructions from the Proprietary to his officials. The Index was prepared by the editor in accordance with his usual custom.

Respectfully submitted,

Samuel K. Dennis

Bernard C. Steiner

John M. Vincent

Committee on Publication.

ARCHIVES OF MARYLAND.

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PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY

OF THE

PROVINCE OF MARYLAND

*At a Session held at Annapolis, April 26–May 28, 1737.
Being the Third Session of the Assembly Elected in 1734.*

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

SAMUEL OGLE,
Governor.

PROCEEDINGS

THE UPPER HOUSE OF ASSEMBLY

At a Session of Assembly begun and held at the City of Annapolis on Tuesday the 26th Day of April in the Twenty third year of his Lordships Dominion Annoq Domini 1737

Present

His Excellency Samuel Ogle Esq^r Governor

The { Benjamin Tasker Esq^r } James Hollyday Esq^r }
honourable { Philip Lee Esq^r } Cot Charles Hammond }

M^{rs} Ward and Hanson from the Lower house acquaint his Excellency that there is Sufficient Number of Members to make a House and wait his Excellencys Commands.

Benjamin Tasker Esq^r is sent to the Lower House to acquaint the Speaker that his Excellency requires his attendance with the Lower house in the Council Chamber

The Speaker and Lower house attend, and his Excellency is pleased to make the following Speech

Gentlemen of the Upper and Lower houses of Assembly

This being the first time of Our Meeting in Assembly since the Marriage of his Royall Highness the Prince of Wales; It is with much pleasure that I Congratulate you upon so happy an occasion

U. H. J.
Lib. No. 33
p. 453
April 26
[In August, 1736, the prorogation was continued from September to December (28 Archives 97) and in December again to April (28 Archives 109). The Council met on April 28, May 10, May 18, May 25.]

U. H. J. The Choice his Majesty has made of an Alliance with the illustrious House of Saxe Gotha, is such an Instance of his great Regard
 Lib. No. 33 [The marriage of Frederick, Prince of Wales with the Princess Augusta of Saxe-Coburg
 p. 454
 1736.]
 [See 39 Archives.]

Gentlemen of the Lower house

I have received his Lordships Answer to your Address relating to an Equivalent for his Quit Rents and Alienation Fines as likewise to [the] other wherein you joined with the upper house which shall be immediately Laid before you.

Gentlemen of Both Houses

As you are perfectly acquainted with the Circumstances of the Country, I think it unnecessary to point out any thing in Particular for your present Consideration; All that I have to recommend to you, is Temper and Moderation in Your proceedings; That you may Consider with Calmness and Candor such things as may be proposed among your selves for the publick Good: The happiness of People of all Ranks Depending so much upon the nature of the Laws they live under; it is impossible for any Legislature to be too Carefull in the Discharge of the Great Trust that is reposed in them; for my Part I shall never think any Attention or Trouble of my own too Great where the Prosperity of the Province is in any manner Concerned.

The Right Honourable the Lord Proprietarys Answer to the Addresses of the Upper and Lower Houses of Assembly in Maryland to his Lordship.

Baltimore

I have received Your Address Setting forth the hardships the People in Maryland lay Exposed to, by their too near Neighbourhood to Pensilvania; I have likewise received Your other two Addresses relating to my Obtaining for you a Licence for bringing Salt from Lisbon, and that, making me an Offer of an Equivalent in Lieu of my Alienation Fines & Quit Rents

As to the first it too nearly concerns me to lose a Moments time in Pursuing the most proper Methods to put a Stop to the Unparalleled Encroachments of Our Neighbours the Pensylvanians, and I cannot but Commend the Zeal you Shew in Protecting his Majesties Subjects under my Governments

You may also rest Assured that nothing shall be wanting on my Part, to procure you, what you with so much Reason desire concerning the Salt, it being the most Sensible pleasure to me, in any Shape, to Contribute towards whatever you think may be for Your Convenience or Advantage

In Answer to the Equivalent you Offer me for my fines & Quit Rents, I am very certain my Good Tenants are not thoroughly

Apprised of the Value of them, or of their Yearly Encrease, else I am persuaded they would not have called their present Offer an Equivalent, & tho it affects me, that even the Collecting of my Just dues should any ways prove inconvenient to my Tenants, yet, you will agree with me that there is some Justice and Equity Due to a Landlord, as well as Indulgence to a Tenant, and I should hope, though the present Method of Collecting the Quit Rents may not be altogether so Agreeable, yet that Time may Reconcile it; I do not mention this as Declaring I will not Agree to Oblige my Tenants in Equivalent, but then let it be such a one as you may [with] Justice Offer, I with reason receive, and upon the whole, if any thing makes me prefer any other to the present Method of Collecting my Quit Rents, it will be Solely to make it easier to my Tenants, for to me the present Seems the Natural one

U. H. J.
Lib. No. 33

Dated at London February 5th 1736/7

By his Lordships Order William Jansen Secretary p. 455

Adjourned till to Morrow Morning 10 of the Clock

Wednesday Morning 27th April 1737

April 27

This house met again according to Adjournment

Present as Yesterday

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This house met again according to Adjournment

Present as in the Morning with the Addition of Coll: Tilghman and Edmund Jenings Esq^r

Adjourned till to Morrow Morning 10 of the Clock

Thursday Morning 28 April 1737

April 28

This house met again according to Adjournment

Present as Yesterday

A Message from the Lower house by M^{rs} Hanson & Sheredine

By the Lower house of Assembly 28 April 1737

May it Please Your Honours

This house hath resolved that the hours of Sitting for the Dispatch of Business this Session be from the Hour of Nine in the Morning untill Twelve, And from the Hour of two in the Afternoon

U. H. J. untill Six and desire to know if the time Proposed be Agreeable to
Lib. No. 33 your Honours

Signed p Order M Macnemara C^t L. H.

Coff Tilghman attended by the members of this house presents to his Excellency the Governor the Address of this House which follows in these Words

To his Excellency Samuel Ogle Esq^r Governor and Commander in Chief in & over the Province of Maryland

The Humble Address of the Upper house of Assembly.

Be pleased, Sir, to receive our Sincere and hearty Thanks for your kind and most Acceptable Speech and Congratulations on the Happy Marriage of his Royal Highness with a Daughter of the illustrious House of Saxe Gotha; We cannot mention this Alliance without the greatest Gratitude and most Dutyfull Acknowledgements of his Majesties never ceasing Care and Regard for the Protestant Interest in General and the happiness of his own People in Particular: Nor can we omitt this Occasion of declaring a Just Sense of Our many Obligations to Our Lord Proprietary who still to heighten Our Joy
p. 456 has been pleased by his very kind and Affectionate Answer to Our Severall Addresses to leave us no Room to doubt of his Resolved Perseverence in what may be Agreeable to Our Reasonable and Just Wishes

Under these Circumstances of happiness as Subjects to the best of Kings, and Tenants to a Most Indulgent Proprietary, nothing but what is in Our own Power is wanting to a perfect Completion of Our Felicity which so much Depends upon the nature of the Laws We live under that it is impossible We can be too Carefull in Discharge of Our Great trust; It is true, Your Excellency has not Pointed out to us, any necessary Subject Matter for Laws, But it is true, that you have with great Goodness recommended those Valuable Dispositions of Temper, Moderation Calmness and Candor which is so Absolutely necessary in every Scene of Life, and more Especially in all Publick Consultations and Proceedings, nor can We question the sincerity of your Excellencys Opinion of those Desireable Qualities, Since you have not failed in the Exercise of them in your own Person during your happy Administration of this Government; from Our Experience of your prudent and much to be Commended Conduct We rest assured of the Performance of Your Generous Profession, wherever the Prosperity of the Province is in any manner Concerned

Signed by Order of the house R: Tilghman

Adjourned untill two of the Clock in the Afternoon

The Upper House.

5

Eodem Die post Meridiem
This house mett again according to Adjournment

U. H. J.
Lib. No. 33

Present as in the morning
Adjourned untill to Morrow Morning Nine of the Clock

Friday Morning 29th April 1737
This house mett again according to Adjournment

April 29

Present as Yesterday
His Excellency is pleased to Communicate his Answer to the
Address of this house in the following Words
Gentlemen of the Upper house of Assembly

I return you my hearty Thanks for your kind Address ; and cannot
but think myself very happy in Your Approbation of my past Con-
duct, I shall always make it my Business not only to know, but to
pursue the true Interest of the Province, which I flatter myself can
never fail of Preserving the Continuance of Your Esteem

Sam : Ogle

Read the Petition of William Walker on behalf of himself and
others Inhabitants of Calvert County praying that a Bill may be
brought in for the further Preservation and Increase of Deer, re-
ferred to the Consideration of the Lower house of Assembly sent by
Coll : Hammond

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem
This house mett again according to Adjournment
Present as in the Morning
Adjourned untill to Morrow Morning nine of the Clock.

Saturday Morning 30th April 1737
This house mett again according to Adjournment
Present as Yesterday
Adjourned till Monday Morning nine of the Clock

April 30

Monday Morning 2 May 1737
This house mett again according to Adjournment

May 2

Present
The honourable { Coll : Tilghman } Edmund Jenings Esq^r }
{ Benj^a Tasker Esq^r } James Hollyday Esq^r }
{ Philip Lee Esq^r } Coll Hammond }

Adjourned till two of the Clock in the Afternoon

U. H. J.
Lib. No. 33

Eodem Die post Meridiem.

This house mett again according to Adjournment
Present as in the Morning with the Addition of Michael Howard
& George Plater Esq^{rs}

Adjourned till to Morrow Morning nine of the Clock

May 3

Tuesday Morning 3 May 1737

This house mett again according to Adjournment

Present as Yesterday

Read the Petition of William Torvor of London Merchant praying
Leave to bring in a Bill to give him Liberty to reshipe as much
Tobacco Duty free as will Amount to the Sum paid by him for the
Duties of Two hundred & forty hhds of Tobacco Sent in the Ship
Union belonging to the said Torvor, Recommended to the Considera-
tion of the Lower house of Assembly sent by James Hollyday Esq^r

Read the Petition of Several the Inhabitants of Baltimore Town &
Johns Town in Baltimore County praying that the Sum of one hun-
dred and fifty pounds Currency might be taken out of the Loan
Office and Applyed towards Building a bridge in the said County;
Sent to the Lower house with the following Message by Edmund
Jenings Esq^r

By the Upper house of Assembly 3 May 1737

Gentlemen

p. 458 Upon Considering the Petition herewith sent of Several the In-
habitants of Baltimore County, this house is of Opinion, if it should
be thought reasonable and proper to Appropriate any part of the
Publick money in the Office for the uses of Particular Counties, that
whatever Monys should remain in or be due to that Office besides
what may be Judged Necessary for publick Buildings already de-
signed or [for] such publick use as may probably hereafter arise, be
equally Allotted & Appropriated to each County for Bridges and
other particular purposes of the Respective Counties

Signed p^r John Ross Cl of the Up H.

Adjourned till two of the Clock in the afternoon

Eodem Die post Meridiem

This house mett again according to Adjournment

Present as in the Morning

Read the Petitions of John Bradford John Campden, Peter Hyat
Nath: Strong and James Powell Languishing Prisoners in Prince

Georges County and of Gasper Desorme Robert Leshode, Richard Dalton, Philip Finn, Henry Kildey, Anthony Musgrove, Joseph Harp, Ezekiel Orrick and Joseph Large Languishing Prisoners in Ann Arundell County Goal and of George Freeman Junior a Languishing Prisoner in Calvert County Goal praying Relief; Rejected the Petitioners not having Complied with the Resolves of this house.

U. H. J.
Lib. No. 33

Adjourned till to Morrow Morning nine of the Clock

Wednesday Morning 4th May 1737.

May 4

This house mett again according to Adjournment

Present as Yesterday.

Read the Petition of the Vestry of Queen Anns Parish in Prince Georges County praying that a Bill may be brought in to Levy two hundred & fifty pounds upon the Taxable Inhabitants of the said Parish towards repairing the Chappell and Building a Vestry Room in the said Parish recommended to the Consideration of the Lower house of Assembly and sent by Michael Howard Esq^r.

Adjourned till two of the Clock in the afternoon

Eodem Die post Meridiem

This house mett again according to Adjournment

Present as in the Morning

Adjourned till to Morrow Morning nine of the Clock.

Thursday Morning 5th May 1737

May 5

This house mett again according to Adjournment

Present as Yesterday

A Message from the Lower house by Mess^{rs} Gale and Tilghman p. 459

By the Lower house of Assembly 5 May 1737

May it Please Your Honours

This house hath Appointed Coll: Gale, M^r Key, M^r Trippe M^r Tilghman M^r Moale and M^r Stoddert, to joyn any Members your house shall Appoint as a Committee to inspect the Accounts and Proceedings of the Commissioners for emitting the Bills of Credit established by Act of Assembly

Signed p^r Order M Macnemara Cl L. H.

Read the Petition of Peter and Daniel Massey of Kent County Planters praying leave to bring in a Bill to repeale An Act of Assembly Passed Anno 1711 Entituled an Act empowering Robert Roberts

U. H. J. of Queen Anns County to sell part of a Tract of Land lying in
Lib. No. 33 Cecil County Called New Munster late the Land of John Toas for the
uses therein Mentioned and to make Good and Valid such Sale, or
that some other Methods might be found by this house to relieve the
Petitioners; Rejected.

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This house mett again according to Adjournment

Present as in the Morning

The following Message is Sent by George Plater Esq^r

By the Upper house of Assembly 5 May 1737

Gentlemen

This house hath Appointed Benjamin Tasker Esq^r to Join the
Members named by Your Message of this Day by Coll: Gale and M^r
Tilghman to inspect the Accounts and Proceedings of the Com-
missioners of the Paper Currency

Signed p^r Order J Ross Cl Up H.

Adjourned till to Morrow Morning nine of the Clock

May 6

Friday Morning 6th May 1737.

This house mett again according to Adjournment

Present as Yesterday

Read the Petition of the Vestrymen Church Wardens & Principal
Inhabitants of St. Stephens Parish in Cecil County Praying that a
Bill may be brought in to Levy two hundred and Eighty pounds on
the Taxable Inhabitants of the said Parish towards finishing the
Vestry Room Church and Chappel in the said Parish referred to the
Consideration of the Lower house of Assembly and sent by Philip
Lee Esq^r

Adjourned untill two of the Clock in the Afternoon

Eodem Die post Meridiem

p. 460

This house mett again according to Adjournment

Present as in the Morning

Adjourned till to Morrow Morning nine of the Clock

Saturday Morning 7th May 1737

U. H. J.
Lib. No. 33
May 7

This house mett again according to Adjournment

Present as Yesterday

Read the first time the Bill Prepared in this house Entituled a Supplementary Act to the Act Entituled an Act for Explaining and Carrying into Execution An Act Entituled an Act for laying out and Applying three thousand five hundred pounds Current Money of Maryland to the uses therein Mentioned; Ordered to Lye upon the Table

A Bill from the Lower house by Mess^{rs} Hanson and Francis Entitled an Act for the more effectuall Punishment of certain Offenders and for taking from the Benefit of Clergy thus Endorsed

By the Lower house of Assembly 4th May 1737

Read the first time and Ordered to Lye on the Table

Signed p Order M Macnemara Ct L H.

By the Lower house of Assembly 7th May 1737

Read the Second time and will pass

Signed p Order M Macnemara Ct L. H.

Read the first time in this house & Ordered to Lye on the Table

Read the first time the Bill prepared in this house Entituled an Act for the ease and Encouragement of Settlers on the remote and back parts of this Province, Ordered to Lye on the Table

Adjourned till Monday Morning nine of the Clock

Monday Morning 9th May 1737

May 9

This house met again according to Adjournment

Present

| | | | | |
|---------------|---|----------------------------------|---|---------------------------------|
| The honble | { | Benjamin Tasker Esq ^r | } | James Hollyday Esq ^r |
| | | Michael Howard Esq ^r | | Colt: Hammond |
| | | Edmund Jenings Esq ^r | | |

Read the Second time the Bill prepared in this house Entituled a Supplementary Act to the Act Entituled an Act for the Explaining and Carrying into Execution an Act Entituled an Act for laying out and Applying three thousand five hundred pounds Current Money of Maryland to the uses therein Mentioned, Passed, and Sent by Benjamin Tasker Esq^r

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

p. 461

This house met again according to Adjournment

Present as in the Morning with the Addition of George Plater Esq^r

U. H. J. Read the Second time the Bill preparing in this house Entituled
Lib. No. 33 an Act for the Ease and Encouragement of Settlers on the Remote
and back parts of this Province; Passed, and sent by Coll Hammond.

Read the Petition of Lewis Duvall of Ann Arundell County Planter Praying leave to bring in a Bill to cutt of the Entail of a Tract of Land called Wilsons Grove Lying in Ann Arundell County containing two hundred Acres; and to Settle a Tract of Land called pretty Land Containing fifty Acres a Tract called the Addition Containing fifty Acres a Tract called the Addition Containing 100 Acres and a Tract called Grimetts Chance Containing 100 Acres in Lieu thereof; Referred to the Consideration of the Lower house of Assembly and Sent by James Hollyday Esq^r

Read the second time the Bill Entituled an Act for the More Effectuall Punishment of certain Offenders, and for taking from them the Benefit of Clergy; Passed, and sent by Edmund Jenings Esq^r

Adjourned till to Morrow Morning nine of the Clock

May 10

Tuesday Morning 10th May 1737

This house met again according to Adjournment

Present as Yesterday

The Bill prepared in this house, Entituled a Supplementary Act to the Act Entituled an Act for Explaining and Carrying into Execution An Act Entituled an Act for laying out and Applying three thousand five hundred pounds Current Money of Maryland for the uses therein Mentioned is brought from the Lower house by Mess^{rs} Smith and Willson thus Endorsed

By the Lower house of Assembly 9th May 1737

Read the first time and Ordered to Lye on the Table

Signed p^r Order M Macnemara Ct L. H.

By the Lower house of Assembly 10th May 1737

Read the Second time and will not Pass

Signed p^r Order M Macnemara Ct L. H.

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This house met again according to Adjournment

p. 462 Present as in the Morning with the Addition of Philip Lee Esq^r

Read the Petition of the Vestry of Queen Caroline Parish in Ann Arundell County and of Caleb Dorsey and of John Dorsey of the said County praying that a Bill may be brought in to Confirm to the said

Vestry a Title to Two Acres of Land Lying in the said County, U. H. J.
whereon the Parish Church now Stands, recommended to the Con- Lib. No. 33
sideration of the Lower house of Assembly & Sent by George
Plater Esq^r

Adjourned till to Morrow Morning nine of the Clock

Wednesday Morning 11th May 1737

May 11

This house met again according to Adjournment

Present as Yesterday

Read the first time the Bill prepared in this house Entituled a Sup-
plementary Act to the Act Entituled an Act for the more effectuell
Punishment of Negroes and other Slaves, and for taking away the
Benefit of Clergy from certain Offenders, and to an Act Entituled an
Act to prevent the Tumultuous Meetings and other Irregularities of
Negroes and other Slaves & Directing the manner of Trying Slaves;
Ordered to Lye on the Table.

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This house mett again according to Adjournment

Present as in the Morning

A Bill from the Lower house by M^{rs} Gale and Key Entituled an
Act Repealing an Act Entituled an Act for Limitation of the time of
Shipping Tobacco thus Endorsed.

By the Lower house of Assembly 11th May 1737

Read the first time and Ordered to Lye on the Table.

Signed p^r Order M Macnemara Ct L. H.

By the Lower house of Assembly 12th May 1737

Read the second time and will pass

Signed p^r Order M Macnemara Ct L. H.

Read the first time in this house and Ordered to Lye on the Table.

The Bill prepared in this house Entituled an Act for the Ease &
Encouragement of Settlers on the remote and back Parts of this
Province; is brought from the Lower house by M^{rs} King & Ham-
mond thus Endorsed.

By the Lower house of Assembly 9th May 1737

Read the first time and Ordered to Lye on the Table.

Signed p^r Order M Macnemara Ct L^o H.

U. H. J.
Lib. No. 33
p. 463

By the Lower house of Assembly 12th May 1737

Read the Second Time with the Amendments hereto annexed
will pass

Signed p^r Order M Macnemara C^t L^o H.

Amendments to the Bill Entituled an Act for the Ease & Encouragement of Settlers on the remote and back parts of this Province Viz. In the first of the Title Instead of Settlers on the remote and back parts of this Province put these Words Viz. Sundry Inhabitants within this Province.

After the word, Tobacco, in the third Line, put the Words, which is thought a very great hardship on such Persons as do not by themselves Servants or Slaves make any Tobacco.

From the Word, and, Interlined between the Second and third Line in Body of the Bill to the Word, Tobacco, in the Eleventh Line be left out,

From the word, that, in the fourteenth Line of the first page, to the Word, aforesaid, in the first Line of third page to be Left out.

From the Word, who, in the second Line of the third page to the Word, and, Interlined between the Second and third Line in the third page to be left out. From the Word Slaves, in the third Line of the third Page to the word Limit, in the fourth Line of the third page to be left out

From the Word, them, in the Seventh Line of the third page to the Word, Certificate, in the same Line and Page to be left out.

The last two Lines in the third, and fourth line in the fourth page to be left out.

Signed p^r Order M Macnemara C^t L^o H.

Adjourned till to Morrow Morning nine of the Clock

May 13

Friday Morning 13th May 1737.

This house mett again according to Adjournment

Present as Yesterday

The following Message is sent by George Plater Esq^r

By the Upper house of Assembly 13th May 1737

Gentlemen

This house being of Opinion that the Bill Entituled an Act for the Ease and Encouragement of Settlers on the Remote and back parts of this Province as Sent down from this house to your house would if passed into a Law be of great Benefit and Advantage to the Province in General and that the Amendments proposed by your house so much Alter & Change the Design of the Bill, that we cannot Concurr

to the same, Therefore this house desires a Conference may be had by a Committee of each house on the Subject matter of that Bill & the Amendments proposed thereto

U. H. J.
Lib. No. 33

Signed *p^r* Order John Ross Ct Up. H.

Read the Petition of Samuel Young and Rebecca his Wife Relict of Thomas Cockshutt late of Calvert County Gent. Deceased on behalf of themselves & Ann Cockshutt a Minor, John Standforth and Benjamin Wood, praying Leave to Bring in a Bill, to invest the Petitioners John Standforth, and Benjamin Wood and the heir of Thomas Cockshutt in some Lands Agreed to be Exchanged between them the said Standforth and Wood and the said Thomas Cockshutt, as per Bonds Mututally past between them; Rejected

Adjourned till two of the Clock in the afternoon

Eodem Die post Meridiem

This house mett again according to Adjournment

Present as in the Morning

A Message from the Lower house by Mess^{rs} Hammond and Stoughton

By the Lower house of Assembly 13 May 1737

May it please Your Honours.

In Answer to the Message of this Day by George Plater Esq^r this house hath Appointed M^r Hammond M^r Stoughton, M^r Denton & M^r Magruder to join any Members Your House shall appoint in a Conference on the Subject Matter mentioned in the said Message

Signed *p^r* Order M Macnemara Ct L. H.

The following Message Sent by Michael Howard Esq^r

By the Upper house of Assembly 13th May 1737

Gentlemen

This house hath Appointed George Plater and Edmund Jenings Esq^{rs} to join the Gentlemen named in Your Message of this Day by M^{rs} Hammond and Stoughton to Conferr on the Subject Matter Contained therein.

Signed *p^r* Order John Ross Ct Up H.

Adjourned till to Morrow Morning nine of the Clock

Saturday Morning 14th May 1737.

May 14

This house mett again according to Adjournment

Present as Yesterday

Adjourned till Monday Morning nine of the Clock.

U. H. J.
Lib. No. 33
May 16

Monday Morning 16th May 1737

This house mett again according to Adjournment

Present

| | | | | |
|---------------|---|----------------------------------|---|---------------------------------|
| The honble | { | Benjamin Tasker Esq ^r | } | George Plater Esq ^r |
| | | Philip Lee Esq ^r | | Edmund Jenings |
| | | Michael Howard Esq ^r | | James Hollyday Esq ^r |
| | | Cot Hammond | | |

p. 465 Read the Petition of Thomas Lampden a Languishing Prisoner in Somerset County Goal, praying Relief; Rejected the Petitioner not having Complied with the Resolves of this house.

Adjourned till two of the Clock in the afternoon

Eodem Die post Meridiem

This house mett again according to Adjournment

Present as in the Morning

Adjourned till to Morrow Morning nine of the Clock

May 17

Tuesday morning 17th May 1737.

This house met again according to Adjournment

Present as yesterday

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This house mett again according to Adjournment

Present as in the Morning

Messrs George and Tilghman from the Lower house attend with M^r Grundy Pemberton a Member Elected for Queen Anns County in the Room of M^r William Hemsley Deceased, in Order to see him the said Pemberton qualified, who takes the Oaths to the Government appointed to be taken by Act of Assembly and Subscribes the Abjuration and Test and then withdrew

Read the second time the Bill prepared in this house Entituled a Supplementary Act to the Act Entituled an Act for the more Effectuall Punishment of Negroes and other Slaves, and for taking away the Benefit of Clergy from certain Offenders, and to an Act Entituled an Act to prevent the Tumultuous Meetings and other Irregularities of negroes and other Slaves, and directing the Manner of Trying Slaves; passed and Sent by Philip Lee Esq^r

Adjourned till to morrow Morning nine of the Clock.

Wednesday Morning 18 May 1737

This house met again according to Adjournment

U. H. J.
Lib. No. 33
May 18

Present as Yesterday

A Bill from the Lower house by Mess^{rs} Hooper and Francis Entituled an Act for the further Explaining and Carrying into Execution An Act for laying out and Applying three thousand five hundred pounds Current Money of Maryland to the uses therein mentioned thus Endorsed.

By the Lower house of Assembly 14th May 1737

Read the first time and Ordered to Lye on the Table.

Signed T^r Order M Macnemara Ct L^o H.

By the Lower house of Assembly 18th May 1737

p. 466

Read the second time and will pass

Signed T^r Order M Macnemara Ct L^o H.

Read the first time in this house and Ordered to Lye on the Table

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This house met again according to Adjournment

Present as in the Morning

Adjourned till to Morrow Morning nine of the Clock

Thursday Morning 19th May 1737

May 19

This house met again according to Adjournment

Present as Yesterday

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This house met again according to Adjournment

Present as in the Morning

Read the second time the Bill Entituled an Act Repealing an Act Entituled an Act for Limitation of the Time of Shipping Tobacco; and will not pass, Sent by Coll: Hammond.

Read the second time the Bill Entituled an Act for the further Explaining and Carrying into Execution An Act for laying out and Applying three thousand five hundred pounds Current money of

U. H. J. Maryland to the uses therein Mentioned; passed and sent by James
Lib. No. 33 Hollyday Esq^r

A Bill from the Lower house by Mess^{rs} Denton and Tilghman
Entituled an Act to dock the Entail of a Tract of Land Called Wil-
sons Grove in the County of Ann Arundell and vesting the same in
Lewis Duvall in fee Simple and for Settling other Lands and Tene-
ments to the same uses thus Endorsed

By the Lower house of Assembly 16 May 1737

Read the first time and Ordered to Lye on the Table.

Signed p^r Order M Macnemara C^t L^o H.

By the Lower house of Assembly 19th May 1737

Read the Second time and will pass.

Signed p^r Order M Macnemara C^t L^o H.

Read the first time in this house and Ordered to Lye on the Table

A Bill from the Lower house by Mess^{rs} Key and Waughop En-
tituled An Act to Empower the Justices of St. Maries County Court
p. 467 to purchase Land whereon to Build a Prison, thus Endorsed.

By the Lower house of Assembly 18th May 1737

Read the first time and Ordered to Lye on the Table.

Signed p^r Order M Macnemara C^t L^o H.

By the Lower house of Assembly 19th May 1737

Read the second time and will pass

Signed p^r Order M Macnemara C^t L. H.

Read the first time in this house and Ordered to Lye on the Table.

A Bill from the Lower house by Mess^{rs} Hooper and Hall En-
tituled a Supplementary Act to the Acts Entituled the Acts for the
relief of Debtors and Ascertaining the Manner of Tenders in To-
bacco thus Endorsed

By the Lower house of Assembly 18th May 1737

Read the first time and Ordered to Lye on the Table.

Signed p^r Order M Macnemara C^t L. H.

By the Lower house of Assembly 19th May 1737

Read the second time and will pass

Signed p^r Order M Macnemara C^t L. H.

Read the first time in this house & Ordered to Lye on the Table. U. H. J.
Lib. No. 33

A Bill from the Lower house by Mess^{rs} Johnson and Wilson Entituled an Act Empowering the Justices of Cecil County Court to Levy on the Taxable Inhabitants of S^t Stephens North Sassafras Parish the Sum of two hundred and Eighty pounds Current money of Maryland at two Equal Assessments thus Endorsed

By the Lower house of Assembly 17th May 1737

Read the first time and Ordered to Lye on the Table

Signed p^r order M Macnemara Ct L^o H.

By the Lower house of Assembly 19th May 1737

Read the second time and will pass

Signed p^r Order M Macnemara Ct L^o H.

Read the first time in this house and Ordered to Lye on the Table
Adjourned till to Morrow Morning Nine of the Clock.

Friday Morning 20th May 1737

May 20
p. 468

This house mett again according to Adjournment

Present as yesterday

The Bill prepared in this house, Entituled a Supplementary Act to the Act Entituled an Act for the more Effectuall punishment of negroes and other Slaves and for taking away the Benefit of Clergy from certain Offenders, and to an Act Entituled an Act to prevent the Tumultuous Meetings and other Irregularities of negroes and other Slaves and Directing the manner of trying of Slaves, is brought from the Lower house by Mess^{rs} George and Courts thus Endorsed.

By the Lower house of Assembly 17 May 1737

Read the first time and Ordered to Lye on the Table.

Signed p^r Order M Macnemara Ct L^o H.

By the Lower house of Assembly 19th May 1737

Read the second time with the Amendm^{ts} herewith sent and will pass

Signed p^r Order M. Macnemara Ct L^o H.

By the Lower house of Assembly 19th May 1737

Amendments to the Bill Entituled a Supplementary Act to the Act Entituled an Act for the more Effectual Punishment of Negroes and other Slaves and for taking away the Benefit of Clergy from certain

U. H. J. Offenders and to an Act Entituled an Act to prevent the Tumultu-
Lib. No. 33 ous Meetings and other Irregularities of negroes and other Slaves,
and Directing the manner of trying Slaves Viz.

In the 3^d line of the 2^d page, after the Word Rape, let these words be inserted, upon any White Woman.

In the 5th line of the 3^d page, after the Word assizes, add these Words, or County Court which shall first happen; and in the 6th Line of the said page, Add these Words, after the word them, Viz. or County Court which shall first Happen; in the 2^d Line of 5th page, after the word, Sitting, put these Words, or the Justice of the County Court who shall preside; in the 7th Line of the same page, put these words between the words, present, and According, Viz. or County Court; from the word Executed in the last Line but one of 5th page, to the Word Act in the 6th Line, of 10th page be left out; in 13th page and 5th Line put these Words after the word Slave viz. to be Adjudged in either Case at the Tryall by the Court before whom the fact shall be Tryed

p. 469 In the 9th Line of the 13th page, put the word this, instead of the words, the aforesaid; between the first and second Line of the last page after the word Suit, add these words; to be recovered with the Cost of Suit by Indictment or information in the Court of the County where such Neglect shall happen, and Applied to Defray the County Charge.

Signed p^r Order M Macnemara C^t L. H.

Read in this house & with the Amendments proposed passed for Engrossing

A Bill from the Lower house by Mess^{rs} Key and Jordan, Entituled an Act for securing the Rights and Inheritance of Sundry Persons to the Lotts by them taken up, paid for and Built upon in Leonard Town in S^t Marys County thus Endorsed.

By the Lower house of Assembly 20th May 1737.

Read the first and second time by Especial Order & will pass

Signed p^r Order M Macnemara C^t L^o H.

Read the first time in this house and Ordered to Lye on the Table

Two Engrossed Bills from the Lower house by Mess^{rs} Matthews and Woolford, one Entituled an Act for the more Effectuall Punishment of certain Offenders and for taking from [them] the Benefit of Clergy; the other Entituled an Act for the further Explaining and Carrying into Execution an Act for Laying out and Applying three thousand five hundred pounds Current money of Maryland to the uses therein Mentioned Severally thus Subscribed.

20th May 1737

Read and Assented to by the Lower house of Assembly

Signed p^r Order M Macnemara C^t L^o H.

Read and Assented to by this house and Ordered to be so Sub- U. H. J.
scribed the paper Bills so Endorsed are sent to the Lower house by Lib. No. 33
George Plater Esq^r

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This house met again according to Adjournment

Present as in the morning

Adjourned till to Morrow Morning nine of the Clock

Saturday morning 21 May 1737

May 21

This house met again according to Adjournment

Present as yesterday

Read the Second time the Bill Entituled an Act to Dock the Entail p. 470
of a Tract of Land called Wilsons Grove in the County of Ann
Arundell and vesting the same in Lewis Duval in fee simple and for
Settling other Lands and Tenements to the same uses, passed and
sent by George Plater Esq^r

Read the second time the Bill Entituled an Act to Empower the
Justices of St. Maries County Court to Purchase Land whereon to
Build a Prison; passed and Sent by Michael Howard Esq^r

Read the second time the Bill Entituled an Act Empowering the
Justices of Cecil County Court to Levy on the Taxable Inhabitants
of S^t Stephens North Sassafra's Parish the sum of two hundred and
Eighty pounds Current money of Maryland at two equall Asses-
ments, Passed and sent by Philip Lee Esq^r

Read the Petition of Gideon Pearce of Kent County praying that
a Bill may be brought in impowering the Commissioners named by
the Act past, last Session to purchase and lay out Sixty Acres of Land
in Kent County for a Town called George Town, to execute the
Powers given by the said Act, or to impower such other Persons to
Execute the same as this Assembly shall think proper; Referred to
the consideration of the Lower house and sent by Coll Hammond.

Read the second time the Bill Entituled an Act for securing the
Rights and Inheritance of Sundry persons to the Lotts by them taken
up paid for and Built upon in Leonard Town in S^t Maries County;
Passed and Sent by Edmund Jenings Esq^r

A Message from the Lower house by Mess^{rs} Gouldsbrough &
Nedels Entituled an Act to encourage the Apprehending some Felons
and for trying accessarys to Felonies by them Committed before Con-
viction of the Principals thus Endorsed.

U. H. J.
Lib. No. 33

By the Lower house of Assembly 21 May 1737.

Read the first time and Ordered to Lye on the Table.

Signed per Order M Macnemara Ct L^o H.

By the Lower house of Assembly 21 May 1737

Read the second time by Especial Order and will pass.

Signed p^r Order M Macnemara Ct L^o H.

Read the first time in this house and Ordered to Lye on the Table.

Adjourned till Monday Morning nine of the Clock

May 23

Monday Morning 23 May 1737

This house met again according to Adjournment

Present

| | | | |
|-------------------|---|----------------------------------|---------------------------------|
| The honourable | { | Benjamin Tasker Esq ^r | George Plater Esq ^r |
| | | Philip Lee Esq ^r | Edmund Jenings Esq ^r |
| | | Michael Howard Esq ^r | Coll Hammond |

p. 471 Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This house met again according to Adjournment

Present as in the Morning

The following Message is sent by George Plater Esq^r

By the Upper house of Assembly 23 May 1737

Gentlemen

This house hath prepared two Addresses, one to his Majesty the other to the Prince of Wales, which we herewith send, if your house approves the Same, We desire they may be sent back in Order to be Engrossed

Signed p^r Order John Ross Ct Up H.

Read the second time the Bill Entituled an Act to encourage the Apprehending some Felons and for Trying Accessories to felonies by them Committed before Conviction of the Principals and will pass with the following Amendments In the last line of the 2^d page after the Word, Same, to the word, that, in the last Line but two in the 3^d page to be left out; the words kill them, or killing, or killed in 4th page, be left out, and the reward of fifty pounds, to be made one hundred pounds, Sent by Michael Howard Esq^r

Read the second time the Bill Entituled a Supplementary Act to the Acts Entituled the Acts for the Relief of Debtors, and Ascertain-

ing the manner of Tenders in Tobacco, and will pass, Provided the Continuance thereof be for three years; sent by Phillip Lee Esq^r

U. H. J.
Lib. No. 33

A Message from the Lower house by Mess^{rs} Hooper and Hammond

By the Lower house of Assembly 23 May 1737

May it please Your Honours

This house is of Opinion that it will be of Service to the Country to pay the Publick Charge of this Province which will be due at the End of this Session out of the Bills of Credit remaining in the Office because it will not only prevent any Delay in Payment to the prejudice of such persons as are in immediate want, but also it will tend to a Diffusive Circulation of the said Bills of Credit, and thereby render them the more usefull to all the Inhabitants of this Province, who are by the Laws thereof Obligated to provide a Sufficient fund to Sink the said Bills of Credit and therefore Desire Your Honours Concurrence to have such payment made out of the Bills of Credit now in the Office Accordingly.

Signed ^pr Order M Macnemara C^t L^o H.

Two Engrossed Bills from the Lower house by Mess^{rs} Francis and Pemberton, One Entituled an Act to dock the Entail of a Tract of Land called Willson's Grove in the County of Ann Arundel, and vesting the same in Lewis Duvall in fee Simple, and for Settling other Lands and Tenements to the same uses, the Other Entituled an Act for Securing the Rights and Inheritance of Sundry Persons to the Lotts by them taken up paid for and Build upon in Leonard Town in S^t Maries County, Severally thus Subscribed.

p. 472

23 May 1737

Read and Assented to by the Lower house of Assembly

Signed ^pr Order M Macnemara C^t L^o H.

Read and Assented to by this house and Ordered to be so Subscribed the paper Bills so Endorsed, are sent to the Lower house by George Plater Esq^r

Adjourned till to morrow Morning nine of the Clock.

Tuesday Morning 24 May 1737.

May 24

This house mett again according to Adjournment

Present as Yesterday with the Addition of James Hollyday Esq^r

A Message from the Lower house by Mess^{rs} George and Francis

By the Lower house of Assembly 24 May 1737

May it please Your Honours

This house Approves the Address to the Kings most Excellent Majesty and the Address to his Royal Highness the Prince of Wales

U. H. J. sent here by George Plater Esq^r and herewith send them back that
Lib. No. 33 they may be Engrossed

Signed p^r Order M Macnemara C^t L^o H.

The Engrossed Bill Entituled a Supplementary Act to the Act Entituled an Act for the more effectuall Punishment of Negroes and other Slaves and for taking away the Benefit of Clergy from certain Offenders, and to an Act Entituled an Act to prevent the Tumultuous meetings and other Irregularities of Negroes and Other Slaves and directing the manner of Trying Slaves, Assented to by this House, is sent to the Lower house with the Paper Bill by Coll: Hammond, which said Paper Bill is returned to this house by Mess^{rs} Courts and Magruder thus Endorsed.

By the Lower house of Assembly, 24 May 1737

The Engrossed Bill whereof this is the Original is read & Assented to

Signed p^r Order M Macnemara C^t L^o H.

Two Engrossed Bills from the Lower house by M^{rs} Hooper and Gouldsborough, one Entituled an Act to empower the Justices of S^t Maries County to purchase Land whereon to Build a Prison; the other Entituled an Act empowering the Justices of Cecil County Court to Levy on the Taxable Inhabitants of S^t Stephens North Sassafras Parish the Sum of Two hundred and Eighty pounds Current Money of Maryland Two Equall Assesments Severally thus
p. 473 Subscribed.

24 May 1737

Read and Assented to by the Lower house of Assembly

Signed p^r Order M Macnemara C^t L^o Ho.

Read and Assented to by this house and ordered to be so Subscribed the Paper Bills so Endorsed are sent to the Lower house by George Plater Esq^r

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This house met again according to Adjournment

Present as in the Morning

A Bill from the Lower house by M^{rs} Matthews and Sheredine Entituled a Supplementary Act to the Act for Erecting a Town at Joppa in Baltimore County thus Endorsed.

By the Lower house of Assembly 24 May 1737

Read the first time and Ordered to Lye on the Table.

Signed p^r Order M Macnemara C^t L^o H.

By the Lower house of Assembly 24 May 1737
Read the Second time by an Especial Order and will pass

U. H. J.
Lib. No. 33

Signed p^r Order M Macnemara Ct L^o H.

Read the first time in this house and Ordered to Lye on the Table

A Bill from the Lower house by Mess^{rs} Kennard and Wilson Entitled a Supplementary Act to the Act Entitled an Act for erecting a Town in Kent County on the South Side of Sassafra River on a Tract of Land called Tolechester at the Place where the Ferry is now kept thus Endorsed.

By the Lower house of Assembly 23 May 1737
Read the first time and Ordered to Lye on the Table.

Signed p^r Order M Macnemara Ct L^o H.

By the Lower house of Assembly 24 May 1737
Read the second time and will pass

Signed p^r Order M Macnemara Ct L^o H.

Read the first time in this house & Ordered to Lye on the Table.

A Bill from the Lower house by Mess^{rs} Stoughton and Magruder Entitled an Act for the Relief of William Torvor of London Merchant Thus Endorsed

By the Lower house of Assembly 4 May 1737
Read the first time and Ordered to Lye on the Table.

p. 474

Signed p^r Order M Macnemara Ct L^o H.

By the Lower house of Assembly 24th May 1737
Read the Second time and will pass

Signed p^r Order M Macnemara Ct L^o H.

Read the first time in this house and Ordered to Lye on the Table.
Adjourned till to Morrow Morning nine of the Clock

Wednesday Morning 25th May 1737

May 25

This house mett again according to Adjournment

Present as Yesterday

Read the second time the Bill Entitled an Act for the Relief of William Torvor of London Merchant and will pass, the Word, all being inserted ; in the last Line of the first Page between the words, of, and the, and Sent by James Hollyday Esq^r

Read the Second time the Bill Entitled a Supplementary Act to the Act for erecting a Town at Joppa in Baltimore County Passed ; and Sent by Edmund Jenings Esq^r

U. H. J. Read the second time the Bill Entituled a Supplementary Act to the
Lib. No. 33 Act Entituled an Act for Erecting a Town in Kent County on the
South Side of Sassafras River on a Tract of Land called Tolechester
at the Place where the Ferry is now kept; passed and Sent by Geo:
Plater Esq^r

The following Message is sent by Michael Howard Esq^r

By the Upper house of Assembly 25th May 1737

Gentlemen

We have Considered your Message .of 23^d Instant by Mess^{rs}
Hooper and Hammond, and as you Observe it may be an Ease to the
Good People of this Province, that the Publick Charge thereof be
paid out of the Bills of Credit in the Paper Office, We do for this
time Concurr with your house therein Provided the same be ordered
to be repaid by the Treasurers of this Province in some convenient
time into the Loan Office aforesaid

Signed p^r Order John Ross C^t Up H.

A Bill from the Lower house by M^{rs} Denton and Wright Entituled
an Act to cutt of the Entail of Two Acres of Land part of a Tract
called New Year's Gift, Thus Endorsed.

By the Lower house of Assembly 25th May 1737

Read the first and second time by an Especial Order and will pass

Signed p^r Order M Macnemara C^t L^o H.

p. 475 Read the first time in this house and Ordered to Lye on the Table
Two Engrossed Bills from the Lower house by Mess^{rs} Hanson &
Stoughton one Entituled an Act to encourage the Apprehending some
Felons and for trying Accessarys to felonies by them Committed
before Conviction of the Principals, the Other Entituled a Supple-
mentary Act to the Acts Entituled the Acts for the relief of Debtors
and for Ascertaining the manner of Tenders in Tobacco Severally
thus Subscribed.

25 May 1737

Read and Assented to by the Lower house of Assembly

Signed p^r Order M Macnemara C^t L. H.

Read and Assented to by this house and ordered to be so Subscribed
the Paper Bills so Endorsed are Sent to the Lower house by Geo:
Plater Esq^r

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

U. H. J.
Lib. No. 33

This house met again according to Adjournment

Present as in the Morning

An Engrossed Bill from the Lower house by M^{rs} Stoughton and Kennard Entituled an Act for the relief of William Torvor of London Merchant thus Subscribed.

25 May 1737

Read and Assented to by the Lower house of Assembly

Signed p^r Order M Macnemara Ct L. H.

Read and Assented to by this house and Ordered to be so Subscribed the Paper Bill so Endorsed is sent to the Lower house by George Plater Esq^r

A Bill from the Lower house by M^{rs} Goldsborough & Tilghman Entituled an Act to revive an Act Entituled an Act for the Relief of Prisoners for Debt thus Endorsed.

By the Lower house of Assembly 25th May 1737

Read the first and second time by an Especial Order & will pass.

Signed p^r Order M Macnemara Ct L^o H.

Read the first time in this house and ordered to Lye on the Table.

The Journal of Accounts is brought from the Lower house by Mess^{rs} King and three others thus Subscribed

25th May 1737

Read and Assented to by the Lower house of Assembly

Signed p^r Order M Macnemara Ct L^o H.

Adjourned till to morrow Morning nine of the Clock

Thursday Morning 26 May 1737

May 26

This house met again according to adjournment.

Present as Yesterday

Two Engrossed Bills from the Lower house by Mess^{rs} Sheredine p. 476 and Kennard one Entituled a Supplementary Act to the Act Entituled an Act for Erecting a Town in Kent County on the South Side of Sassafras River on a Tract of Land called Tolechester at the place where the ferry is now kept; the Other a Supplementary Act to the Act for Erecting a Town at Joppa in Baltimore County Severally thus Subscribed.

26th May 1737

Read and Assented by the Lower house of Assembly

Signed p^r Order M Macnemara Ct L^o H.

U. H. J. Read and Assented to by this house and Ordered to be so Sub-
Lib. No. 33 scribed the Paper Bills so Endorsed are sent to the Lower house by
Geo: Plater Esq^r

The following Message with the Addresses is sent by James Holly-
day Esq^r

By the Upper house of Assembly 26 May 1737

Gentlemen

We now send to your house the Addresses to his Majesty and the
Prince of Wales Signed by his Excellency the Governor, and the
President of this house, to be signed as Your house thinks fitt that
the same may be sent by the first Opportunity in Order to be presented
to them.

Signed p^r Order John Ross Cl. Up. H.

To the Kings most Excellent Majesty

The Humble Address of the Governor and the Upper and Lower
houses of Assembly of the Province of Maryland.

May it please Your Majesty

We Your Majestys most dutyfull and Loyal Subjects the Gov-
ernor and the Members of the Upper and Lower Houses of Assembly
of the Province of Maryland beg leave to Express our Deepest sense
of Gratitude for the many and repeated Blessings procured by your
Majesties Royal and Paternal Care for the Welfare and happiness
of all even the remotest of your Majesties Subjects.

We cannot reflect on your Majesties unwearied Endeavours for
the Repose and Tranquility of Europe in General, and of Your own
People in Particular without a Just Acknowledgement of your
Majesties great Good Will for Mankind, and the most tender regard
for Your Subjects: and We cannot feel the Effects of those Endeav-
ours by a happy Peace, without being Sensible what Dutifull returns
We Owe to Your Majesty, by whose Wise Councils the same was
most Auspiciously Completed.

But the late Instance of Your Majestys ever Watchfull Care and
P. 477 Concern, not only for the present, but future Happiness and Pros-
perity of all your Majesties Dominions, In the Marriage of his Royal
Highness with a Princess of the illustrious House of Saxe Gotha,
fills us with the most Gratefull Joy and Exacts Our most Sincere and
Dutifull Wishes for the Preservation & Long Continuance of Your
Majesty's Life, which is so gloriously Employed in every Act that
renders the best of Kings most Amiable to the Dutifullest Subjects.

Sam: Ogle

Benj^a Tasker Pres^t

To his Royal Highness the Prince of Wales

U. H. J.
Lib. No. 33

The Humble Address of the Governor and the Upper and Lower Houses of Assembly of the Province of Maryland.

May it please Your Royal Highness

To Accept Our most Respectfull Congratulations which through late, yet not less Sincere than those of the rest of his Majestys Subjects on the Joyfull Occasion of Your Royal Highness's Happy Marriage

Amidst all the Felicities and blessings which We, as Subjects to Your Great Father enjoy, We could not be without Apprehensions, lest those Amiable qualities of Love and Benevolence for Mankind so Conspicuous in Your Royal Highness should not be transmitted from your own Royal Person in a Race of Princes who by the bright Example might Endear themselves to every Subject

This Auspicious Union, Great Sir, of the Illustrious Houses of Hannover and Saxe Gotha Dispells many of those fears, and Draws our Wishes nearer to a perfect Completion: A Prospect is opened, and Our View is Extended by the Strength of Our Hopes and Desires to a Succession of Princes, whose Virtues will Shew their Descent from Those Two who are now the Comfort and Delight of all his Majesties Dominions.

May every joy attendant on the Marriage Bed be Redoubled on Your Royall Highness and Consort, and may Our repeated Occasions of Rejoyceing on the Births of a numerous Issue afford us a Pleasing Assurance of the throne of Great Britain never wanting [an] Inheriter of Your many Excellent Virtues.

Sam^l Ogle
Benj^a Tasker Pres^{dt}

Read the second time the Bill Entituled an Act to revive An Act Entituled an Act for the Relief of Prisoners for Debt, and will not pass and Sent by George Plater Esq^r

Read the second time the Bill Entituled an Act to cutt of the p. 478 Entail of Two Acres of Land part of a Tract called New Years Gift; Passed and Sent by Michael Howard Esq^r

A Message from the Lower House with the Addresses by M^{rs} Hanson and Hawkins.

By the Lower house of Assembly 26 May 1737
May it please Your Honours

We herewith send the Engrossed Address to his most Excellent Majesty, and that to his Royall Highness the Prince of Wales, sent hither by James Hollyday Esq^r

Signed by the Honourable Speaker of this house

Signed p^r Order M Macnemara Cl L^o H.

U. H. J. The following Message with the Journall of Accounts is sent by
 Lib. No. 33 Phil: Lee Esq^r

By the Upper house of Assembly 26 May 1737

Gentlemen

On Considering the Journal of Accounts sent hither by Cott: King and three Others, We Observe to Our Surprize that his Excellency the Governor has not been Considered as a Member of the high Court of Appeals, no Allowance being made him for the same, nor a Sufficient Sum given to Discharge the Annual Rent of his Excellencys House

We likewise take notice, that though you have Acknowledged very Justly the great Abilities of the Chief Justice of the Provincial Court, the great fatigue he undergoes by the remoteness of his Residence, yet you have not Allowed him more than half the Allowance made last year, a Sum insufficient to support the Dignity of a Chief Justice and much too small a Reward for his great Services.

And we also take Notice that M^r Ross Our Clerk is not fully Allowed for fourteen Copies of the Laws, though the Copying the same is a Work much greater than that of M^r Parks for Printing the whole whose Allowance is Twenty four thousand pounds of Tobacco; and was M^r Ross to Charge Agreeable to My Lords Regulation the Amount would be near Two hundred pounds at Ten Shillings p^r hundred and according to which Regulation he was allowed for Transcribing the Ordinary Licence Law last year.

We propose therefore that the Allowance to M^r Ross may be encreased to fifty six pounds agreeable to his Account, and that a Bill be brought in to Disable M^r Parkes from receiving the Tobacco allowed him by Law from the County Courts since he has not done the Service for which the Reward was intended.

We therefore desire you'l make the Just Allowance to his Excellency and Consider the Chief Justice as you did Last Year as well as
 p. 479 M^r Ross in The manner proposed with which Addition and Allowances the Journal will pass.

Signed p^r Order John Ross C^l Up H.

Benjamin Tasker Esq^r from the Committee to inspect the Proceedings of the Commissioners of the Paper Currency Office makes the following Report

At a Committee of both Houses appointed to inspect the Office and Proceedings of the Commissioners for emitting the Paper Money in Maryland 19 May 1737

Present

U. H. J.
Lib. No. 33

The honourable Benjamin Tasker Esq^r of the Upper house.

| | |
|---------------------------------|-----------------------|
| Cott Levin Gale | } of the Lower house. |
| M ^r Henry Trippe | |
| M ^r William Tilghman | |
| M ^r John Moale | |
| M ^r John Stoddert | |

Who make Choice of Benjamin Tasker Esq^r Chairman and M^r William Rogers Clerk.

Your Committee have carefully Inspected the State of the Office for Emitting the Paper Money and the Books and Accounts of the Commissioners or Trustees and find they are all in Good Order and that the Commissioners Continue to Discharge their Duty faithfully

Your Committee have likewise Stated an Account in Relation to the said Office which is hereto Annexed and is humbly Submitted to the Consideration of both Houses by

| | |
|------------------|-----------------|
| William Tilghman | Benjamin Tasker |
| John Moale | Levin Gale |
| John Stoddert | Henry Trippe |

D^r The Office for Emitting the Paper Money of Maryland to the Twenty Second Day of March 1736

| | £ | s. | d. |
|---|---------|------|-------|
| 1734. To Sundry Bills received from England | | | |
| Amounting to | 899 | 87 | 10: 0 |
| To Money paid into the Office Principal | | | |
| & Interest Amounting to | 4 | 08 | |
| 1735 To money paid into the Office | | | |
| principal & Interest Amounting | | | |
| to | 1033.. | 13.. | 8 |
| To Money paid into the Office by Coll: | | | |
| Young | 943.. | 10.. | 6 |
| 1736 To Money paid into the Office | | | |
| principall & Interest Amounting | | | |
| to | 1612.. | 8.. | 3 |
| | 3997.. | 12.. | 5 |
| 1735 } To Money paid into the Office | | | |
| & } for Non Burners | 824.. | 10.. | 6 |
| 1736 } | 94809.. | 12.. | 11 |

p^r Contra

C^r

| | | | |
|-------------------------------------|----------|------|---|
| 1734. By Money sent to the Severall | } p. 480 | | |
| Counties to Discharge the thirty | | | |
| Shillings p ^r Taxable | | | |
| | 47923.. | 10.. | 0 |

| | | | |
|-------------|--|--------------|------------------------------|
| U. H. J. | By Money paid to Several Burners | 707:10: 0 | |
| Lib. No. 33 | 1735. By money paid D ^o | 595.. 5.. 0 | |
| | 1736. By money paid D ^o | 171.. 9.. 0 | 1474.. 4.. 0 |
| | 1734 By Money Expended on the Necessary Charges of the Office | 698:—..— | |
| | 1735 By money Expended on D ^o | 331.. 1..— | |
| | 1736. By money paid Patrick Creagh for Building the Office and other Necessary Charges thereto | 587.. 9.. 5 | |
| | By money Expended on the necessary Charges of the Office | 364.. 6.. 0 | 1980..16.. 5 |
| | 1734. By money lent on Security | 7374..—..— | |
| | 1735. By money Lent on D ^o | 3824..—..— | |
| | 1736. By money Lent on D ^o | 4962..—..— | 16160.. 0.. 0 |
| | 1734. By money paid his Ex ^{cy} Sam ^l Ogle | 200.. 0.. 0 | |
| | 1735. By money paid D ^o | 352.. 1.. 8 | 552.. 1.. 8 |
| | 1735. By money paid the Trustees for repairing the publick Buildings | 72.. 0.. 0 | |
| | 1736. By money paid D ^o | 19..12.. 0 | 91..12.. 0 |
| | 1735. By money lent the County | 1607.. 1.. 6 | |
| | 1736. By money lent D ^o with Commission thereon | 3388..15..10 | 4995..17.. 4 |
| | By money sent to S ^t Maries Charles and Somerset Counties for Building their County Goals | | 1500: 0.. 0 |
| | Ballance | | 74678: 1.. 5 20131:11.. 6 |
| | | | 94809..12..11 |
| | Dr | | |
| | To the p ^r Contra Ballance remaining in the Office | | 20131..11.. 6 |

C^r

U. H. J.
Lib. No. 33

| | | |
|---|--------------|---------------|
| By money Due for Building Prisons | 5500: 0: 0 | |
| By money Due for Building Governors house | 2447..18.. 4 | |
| By money due for repairing the Publick Buildings | 408.. 8.. 0 | 8356.. 6.. 4 |
| | | <hr/> |
| Unapplied | | 11775.. 5.. 2 |
| | | <hr/> |
| | | 20131..11.. 6 |
| | | <hr/> |

Memorandum

That there is in the Office Uncoined for renewing
old and torn money Bills Amounting to

10937: 5.. 0

George Plater Esq^r from the Committee to Consider on the Bill
Entituled an Act for the Ease and Encouragement of Settlers on the
Remote and back parts of this Province make the following Report.

At a Conference appointed by the Honourable the Upper and p. 481
Lower houses of Assembly 20 May 1737. Viz.

The { George Plater Esq^r
Honourable { Edmund Jenings Esq^r } Members of the Upper house.

Mess^{rs} { Phillip Hammond
William Stoughton
Vachel Denton
John Magruder } Members of the Lower house

Who make choice of the honourable George Plater Esq^r their
Chairman and Thomas Lynn their Clerk

Your Conferees upon considering the Bill Entituled an Act for
the Ease and Encouragement of Settlers in the remote and back
parts of this Province and the Amendments proposed by the Lower
house to the same, the Members of the Upper house upon this Com-
mittee made their Objections to the said Amendments, which being
Communicated to the Lower house by the members of this Com-
mittee, It was the Opinion of that house that they could not Recede
from their said Amendments.

Signed T^r Order of the Conferees Thomas Lynn C^t

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This house met again according to Adjournment

Present as in the Morning

U. H. J. An Engrossed Bill from the Lower house by Mess^{rs} Denton and
 Lib. No. 33 Waughop Entituled an Act to cutt of the Entail of two Acres of
 Land part of a Tract called New years Gift thus Subscribed.

25 May 1737

Read and Assented to by the Lower house of Assembly
 Signed p^r Order M Macnemara Ct L. H.

Read and Assented to by this house and Ordered to be so Sub-
 scribed the Paper Bill so Endorsed is sent to the Lower house by
 George Plater Esq^r

Adjourned till to Morrow Morning nine of the Clock

May 27

Friday Morning 27th May 1737

This house met again according to Adjournment

Present as yesterday

A Message from the Lower house with the Journal of Accounts
 by Mess^{rs} King and three others

By the Lower house of Assembly 27 May 1737

p. 482 May it please Your Honours

We have Considered Your Message of this Day by Philip Lee Esq^r
 & Assure Your Honours that his Excellency not being allowed as
 a Member of the high Court of Appeals happened by an Accidentall
 Omission of the Clerk of the Committee of Accounts not entering
 that Charge in the Journall, and that the Omission of not Allowing
 a Sufficiency to defray the Annual Charge of his house Rent was
 Casuall, both which are with great Readiness now regulated and
 Sett Right upon the Journal; We are truly Sensible of the Capacity
 as well as Integrity of the Chief Justice, and from our Sense of the
 Extraordinary Services the Country Derived from his great Abili-
 ties were induced the last year to make him the handsom Gratuity
 which he then received and as that Sum was Considered as one
 Agreeable for all his preceeding Services, so we cannot think the
 present insufficient to Support his Dignity or too small a reward
 for his Services since that Bounty, the Addition to the Allowance
 proposed by your Honours to M^r Ross is made in the Journal accord-
 ingly; as to that part of the Message which concerns the Disabling
 M^r Parks from receiving the Tobacco Allowed him by Law from the
 Counties; We have Considered that Although he has Delayed print-
 ing them so Long as deserve the Displeasure of both Houses, yet as
 he has done them late, and that they have been received by those (or
 at least a great many of them) for whom they were Design^d We do
 not think it Just to disable them from receiving what the Law

Allows him for them and the rather because there was not that Due Care taken in that Law which ought to have been, to Oblige him to print them in Limited time; And to prevent his Misbehaviour for the future, this House will Agree to a Bill to Disable M^r Parks from receiving any Allowance hereafter unless he prints the Laws in a reasonable time to be Limited by such Bill.

U. H. J.
Lib. No. 33

Signed p^r Order M Macnemara C^t L H.

A Bill from the Lower house by Mess^{rs} Johnson and Wilson Entituled a Supplementary Act to the Act Entituled an Act for the Speedy and more Effectual Publication of the Laws of this Province and for the Encouragem^t of William Parks of the City of Annapolis thus Endorsed.

By the Lower house of Assembly 27 May 1737

Read the first and second time by especial Order and will pass.

Signed p^r Order M Macnemara C^t L H.

Read the first time in this house and Ordered to Lye on the Table.

The following Message with the Journal of Accounts is Sent by Col Hammond

By the Upper house of Assembly. 27th May 1737

Gentlemen

p. 483

We have with the greatest Inclinations to agree with your house in your Message of this Day by Col King and three others considered what you are pleased to Mention about encreasing the Compliment intended to the Chief Justice of the Provincial Court for his able Discharge of his Duty in that Office; his great Abilities and Integrity stand Confessed by both Houses; and We cannot think the Sum proposed by the Journall equal to the Merit of a Person so truly capable of the trust reposed in him; and more Especially when that same person Appears on the Journall of Our proceedings worthy of the Sense which the two houses have Expressed of his Capacity and Extraordinary Services, and of Deserving some particular Mark of their Distinction, which in Our Opinion ought to be such as is Suitable to the Dignity of the Two Houses to Offer and him to Accept.

Although the great Defference of Col Gale to every Sense & Opinion of the Representatives of the People, and his Benevolent Disposition for the Good of his Country Oblige him to Desire us to Avoid anything Relating to himself, which may create any uneasiness or Difference between the two Houses, Yet we cannot help Considering a Decent and Suitable Provision for a Deserving Chief Justice of the Provincial Court, as a matter greatly regarding the

U. H. J. Honour of the Government & Country, as well as the Security and
 Lib. No. 33 Happiness of every Inhabitant in this Province, and therefore We
 must recommend again to your Serious Consideration, an Encrease
 of the Sum proposed in the Journal to be Allowed Coll. Gale

Signed p^r Order John Ross C^t L^o H.

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the morning

Read the second time by Especial Order the Bill Entituled a
 Supplementary Act to the Acts for the Speedy and more effectual
 Publication of the Laws of this Province and for the Encourage-
 ment of William Parks of the City of Annapolis Printer; Passed
 and Sent by Philip Lee Esq^r

A Message from the Lower House with the Journal of Accounts
 by M^r King and four others.

By the Lower house of Assembly 27 May 1737

May it please Your Honours

Notwithstanding you are pleased in Your Message of this Day by
 Coll Hammond to recommend again to Our Serious Consideration
 p. 484 an encrease of the sum proposed in the Journal as a Gratuity to Coll:
 Gale; We see no reason for Advancing the same, the Sum of £50
 as entered in the Journal having been after great Deliberation
 thought the most proper to shew Our Regard to the Chief Justice, as
 well as Caution not to Lavish away the Properties of Our Con-
 stituents, and is the Largest We can with any Justice permit them to
 be burthened with upon the Occasion, and therefore again send up
 the Journal in Order for its passing that a Speedy Conclusion may
 be had to the Session

Signed p^r Order M Macnemara C^t L^o H.

The following Message with the Journal of Accounts is Sent by
 Coll Hammond

By the Upper house of Assembly 27 May 1737

Gentlemen

We are greatly Surprized at the Insinuation in Your Message of
 this Day by Col King and four Others, that the Increase which this
 house has Proposed to be made to the Allowance intended to the
 Chief Justice of the Provincial Court can in any Sense be said to be
 Lavishing away or Burthening the Properties of Your Constituents;

We have in Our former Message of this Day given Our Reasons why such Increase must be thought prudent and Becoming the Dignity of both Houses; and as for the pretence of Burthening your Constituents, We cannot Comprehend how the issuing publick money now remaining in the Paper Currency Office unappropriated and to be repaid by the Treasurers can be a Burthen upon Your Constituents

U. H. J.
Lib. No. 33

We are so Satisfied of the Reasonableness of what this house has Expected on this Occasion and against which you have not Vouchafed one Argument, but what is founded in your mere will and Pleasure, That We think it more for the Honour of Both houses to close this Session without passing the Journals than Lavish perhaps five hundred pounds in a Dispute, which cannot be more than fifty pounds Consequence to the Country, and therefore if your house will persist in your positive Negative to Our several Messages on this head; We hope you will keep the Journal, as it is in your Own house

Signed p^r Order John Ross Cl Up H.

A Message from the Lower house by M^r Hanson and Brown

By the Lower house of Assembly 27 May 1737

May it please Your Honours

It appears by the Journal of the Committee of Accounts that there's a Ballance of thirteen pounds Sixteen Shillings and Eight pence in Gold of the money which by Act of Assembly is to be Applied to Defray the Publick Charge of this Province, Due from the Estate of Col Samuel Young late Treasurer of the Western Shore which money this house is desirous should be paid over to the present Treasurer, and therefore desire your Honours to join with us in an Order to the Executors of the said Sam^l Young to pay the said Sum accordingly to the present Treasurer.

p. 485

Signed p^r Order M Macnemara Cl L^o H.

Adjourned till to morrow Morning Nine of the Clock

Saturday Morning 28th May 1737

May 28

This house met again according to Adjournment

Present as Yesterday

An Engrossed Bill from the Lower house by M^{rs} Trippe and Moale Entituled a Supplementary Act to the Act for the Speedy and more effectual Publication of the Laws of this Province and for

U. H. J. the Encouragement of W^m Parks of the City of Annapolis printer
Lib. No. 33 thus Subscribed.

28 May 1737

Read and Assented to by the Lower house of Assembly
Signed \mathfrak{P}^r Order M Macnemara Ct L^o H.

Read and Assented to by this house and ordered to be so Subscribed the Paper Bills so Endorsed is sent to the Lower house by James Hollyday Esq^r

A Message from the Lower house by M^r King and four Others

By the Lower house of Assembly 28 May 1737

May it Please Your Honours

As We cannot recede from Our former Opinion that the Sum of fifty pounds is a Sufficient Compliment to the Chief Justice of the Provincial Court; We find you will not Agree to, as being too Small; this Disagreem^t Between the Two houses, makes it necessary in Our Opinion that the said Sum of fifty pounds to the Chief Justice should be struck out of the Journal of Accounts, and We having accordingly Struck out the Same do send back the Journall for Your Honours Concurrence

Signed \mathfrak{P}^r Order M Macnemara Ct L^o H.

The following Message is sent by George Plater Esq^r

By the Upper house of Assembly 28 May 1737

Gentlemen

In answer to your Message of yesterday by Mess^{rs} Hanson and Brown, this house is willing to Join with your house in a Short Bill to Enable the Exec^{rs} of Col^t Samuel Young to pay to the present Treasurer of the Western Shoar the Sum Mentioned in Your Message which we are of Opinion cannot be paid Otherwise.

Signed \mathfrak{P}^r Order John Ross Ct Up H.

Ordered that the Clerk of this house receive the same fees on all private Bills passed this Session as are allowed by the Lower house to their Clerk.

p. 486 The following Message is sent by Michael Howard Esq^r

By the Upper house of Assembly 28 May 1787

Upon the perusal of the Journal of Accounts, We find an Alteration made therein Since it went from this house which We cannot

agree to and therefore the Journal will not pass this house as it now stands. U. H. J.
Lib. No. 33

Signed π^r Order John Ross Ct Up^r H.

Ordered that the Clerk of this house, upon Application of Co^t Gale, give attested Copies to him of the Several Messages passed both houses this Session, relating to the Allowance proposed to be made to a Chief Justice of this Province

M^{rs} Hooper and Trippe from the Lower house acquaint his Excellency their house hath no Business before them.

Benjamin Tasker Esq^r is sent to the Lower house to Acquaint the Speaker that his Excellency requires him and the rest of the Members of that house to Attend him immediately in the Upper house to see the Bills passed both Houses this Session receive the Assent.

The whole House attend and by their Speaker present to his Excellency the following Bills

An Act for the further Explaining and Carrying into Execution Chap. I
an Act for laying out and Applying three thousand five hundred pounds Current money of Maryland to the uses therein Mentioned.

An Act for the more effectual Punishment of certain Offenders Chap. II
and for taking from them the Benefit of Clergy

An Act for docking the Entail of a Tract of Land called Wilsons Chap. III
Grove in the County of Ann Arundel and vesting the same in Lewis Duvall in fee simple and for settling other Lands and Tenements to the same uses

An Act for Securing the Rights and Inheritance of Sundry Per- Chap. IV
sons to the Lotts by them taken up paid for and Built upon in Leonard Town in St. Maries County.

An Act empowering the Justices of Cecil County Court to Levy Chap. V
on the Taxable Inhabitants of S^t Stephens North Sassafras Parish the sum of Two hundred and Eighty pounds Current Money of Maryland at two equall Assesments.

An Act to Empower the Justices of S^t Maries County Court to Chap. VI
purchase Land whereon to Build a Prison

A Supplementary Act to the Act Entituled an Act for the more Chap. VII
effectual punishment of negroes and other Slaves and for taking away the Benefit of Clergy from certain Offenders, and to an Act Entituled an Act to prevent the Tumultuous Meeting and other Irregularitys p. 487
of negroes and other Slaves, and directing the Manner of Trying Slaves

An Act to encourage the Apprehending some Felons and for Chap. VIII
Trying Accessories to Felonies by them Committed before Conviction of the Principals

An Act for the Relief of William Tervor of London Merchant Chap. IX

- U. H. J. A Supplementary Act to the Acts Entituled the Acts for the relief
 Lib. No. 33 of Debtors and ascertaining the Manner of Tenders of Tobacco
- Chap. X A Supplementary Act to the Act Entituled an Act for Erecting a
 Town in Kent County on the South Side of Sassafras River on a
 Tract of Land called Tolechester at the place where the ferry is
 now kept.
- Chap. XI A Supplementary Act to the Act for erecting at Joppa in Baltimore
 County.
- Chap. XII An Act to cutt of the Entail of two Acres of Land part of a Tract
 Called New years gift
- Chap. XIII A Supplementary Act to the Act Entituled an Act for the Speedy
 and more Effectuall Publication of the Laws of this Province and
 for the Encouragement of William Parkes of the City of Annapolis
 Printer.

All which (Except the Act Entituled a Supplementary Act to the Acts Entituled the Acts for relief of Debtors and Ascertainning the manner of Tenders in Tobacco, of which his Excellency said he would be Advised) were Signed by his Excellency the Governor and Assented to on behalf of the Right Honourable the Lord Proprietary and Sealed with his Lordships Great Seal at Arms, after which his Excellency makes the following Speech

Gentlemen of the Upper and Lower houses of Assembly

The Publick Business of this Session being at an End, I, with the Advice of his Lordships Council of State do Prorogue this Assembly to the third Tuesday in September next, and you are to take notice you are Prorogued to that Day Accordingly

Thus Endeth of the third Session of this Assembly begun and held at the City of Annapolis the Twenty Sixth Day of April and ending the Twenty Eighth Day of May Anno Domini 1737 In the tenth year of his Majesties Reign in the Twenty third Year of his Lordships Dominion

Jn^o Ross Cl

PROCEEDINGS
THE LOWER HOUSE OF ASSEMBLY

L. H. J.
Lib. No. 45
April 26
p. 684

At a Session of Assembly held at the City of Annapolis on Tuesday the 26th of April in the Year of our Lord 1737 and in the Twenty second year of the Dominion of the Right Honourable Charles Absolute Lord and Proprietor of the Provinces of Maryland and Avalon, Lord Baron of Baltimore, By Several Prorogations from the Sixth Day of May in the Year 1736 Appeared in the Lower House of Assembly the following Members

The Hon^{ble} James Harris Speaker

| | |
|------------------------------------|--|
| For S ^t Marys County | For Charles County |
| Maj ^r Justinian Jourdan | M ^r William Middleton |
| M ^r James Waughop | Co ^t Robert Hanson |
| For Kent County | For Cecil County |
| Capt ⁿ George Wilson | M ^r Thomas Johnson |
| M ^r Philip Kennard | Co ^t John Ward |
| M ^r Christopher Hall | For Baltimore County |
| For Ann Arundell County | M ^r Thomas Sheredine |
| M ^r Vachel Denton | M ^r William Hamilton |
| | M ^r John Moale |
| For Calvert County | For Prince Georges County |
| Co ^t John Mackall | M ^r John Magruder |
| M ^r Walter Smith | Maj ^r Edw ^d Sprigg |
| Maj ^r Adderton Skinner | Co ^t Joseph Belt |
| For Somerset County. | M ^r John Stoddert |
| | For the City of Annapolis |
| For Talbot County | Richard Francis Esq ^r |
| | For Queen Anns County |
| For Dorchester Co. | Capt. William Elliot |
| M ^r James Brown | Capt. Edward Wright |

A Sufficient Number of Members being met at the Stadt House to Compose a House Col Ward and Co^t Hanson were sent to Acquaint the Governor therewith

Benjamin Tasker Esq^r from the Up^r House Acquaints M^r Speaker, the Governour requires his and the rest of the members of

L. H. J. the Lower House Their attendance in the Council Chamber. M^r
Lib. No. 45 Speaker attended by the other members of the Lower House went
to the Council Chamber. (See page 1.)

p. 685 And the Lord Proprietors answer to the Addresses of both Houses.
(See page 2.)

p. 686 The House adjourn'd untill to morrow morning at 8 of the Clock

April 27

Wednesday morning April 27th 1737

The House met according to Adjournment &c. M^r Warfield a
Representative of Ann Arundell County Appeared in the House this
morning

M^r Edmunson and M^r Needles two representatives of Talbot
County appeared this morning.

M^r Mathews a Representative of Baltemore County appeared this
morning.

The Rules of the House Observed last Session are agreed to be
Observed this Session.

The Severall Committees Appointed Last Session are Continued
this Session M^r Warfield ordered to acquaint the Reverend M^r
Humphry's he is desired by the Lower House of Assembly to read
Divine Service During this Session morning and Evening.

Resolved that the Hours of Sitting during this Session be from
nine of the Clock in the morning untill Twelve and from Two
of the Clock in the afternoon untill Six ordered that M^r Speaker
Issue his Warrant Directed to the Secretary to make out a new writ
of Election Directed to the Sheriff of Queen Anns County to Elect a
new member to Serve in this present Assembly in the Room of M^r
William Hemsley deceased.

M^r Richard Francis and M^r Denton Appointed to prepare an Ad-
dress to the Governour on his Speech.

The House Adjourns untill 2 of the Clock in the afternoon

Post Merediem. The House met according to Adjournment &c.

M^r Philip Hammond a Representative of Ann Arundell County
appeared in the House this afternoon M^r Hammond is Appointed to
Join with M^r Francis and Denton in preparing the Address to the
Governor.

M^r Hall allowed to print the Votes and proceedings of the Lower
House of Assembly Dureing this Session at the usuall allowance of
£100 of Tobacco for each Day.

M^r Dulany a Representative of Ann Arundell County Appeared
in the House this afternoon

M^r Hawkins a Representative of Charles County Appeared this
Afternoon

The House Adjourns untill to morrow morning at 9 of the Clock.

Thursday morning April 28th 1737.

L. H. J.
Lib. No. 45
April 28

The House met according to Adjournment &c. Co^t King M^r Stoughton and Co^t Dashiels three representatives of Somerset County Appeared in the House this morning

M^r William Tilghman a Representative of Queen Anns County Appeared in the House this morning.

Richard Francis Esq^r Delivers the following Address.

p. 687

To His Excellency Samuel Ogle Esq^r Governor of Maryland.

The Humble Address of the Lower House of Assembly
May it Please your Excellency

We His Majesties most Dutifull and Loyall Subjects the representatives of the freeman of Maryland in Assembly Convened do Return your Ex^cy our Sincere Thanks for your Affectionate Speech at the Opening of this Session and with Joyfull Hearts receive your Ex^cys Congratulations upon the Happy Occasion of the Marriage of His Royall Highness the Prince of Wales with a Princess of the Illustrious House of Saxegotha and we do with the Deepest Sense of Gratitude Acknowledge this Additional Instance of His Majesties great regard for the Protestant Interest in Generall as well as the Particular Happiness of His own People amongst whom we partakeing of the Benefits of His Majesties wisdom and Tender Care of all His Subjects must Remember this great Effect of Both as long as there remains in us any Sense of The True Interest of our Country we Esteem your Excellencys recommending Temper and moderation in our proceedings as a further prooffe of your Care and Concern for us for which as the best return we are able to make we assure your Ex^cy that was the Success of our Endeavours Equall to the Ardency of our wishes, no Laws or anything Else should be wanting on our part to render Administration Over us not only agreeable but Delightfull and to give you that great pleasure always Inseparable from a Benevolent mind of Governing a Happy and Flourishing People and we assure your Excellency that we are Convinced you will never think any attention or Trouble of your own too great where the Prosperity of this Province is in any manner Concerned which was read Approved and ordered to be Ingrossed.

The Following Message Sent to the Up^r House by Co^t Hanson and M^r Sheredine (See page 3.)

M^r Denton Brings in the Address to the Governour Ingrossed

M^r Hammond and M^r Denton ordered to acquaint the Governour this House Hath prepared an Address to him and to desire his Ex^cy to let them Know when and where he will receive the same they return and acquaint M^r Speaker the Governour will be ready to receive the Address Immediately in the Conference Chamber.

L. H. J. Richard Francis Esq^r and 12 more Sent to Attend his Ex^cy with
Lib. No. 45 The Address.

The House Adjourns untill 2 of the Clock in the afternoon

Post Merediem. The House met according to Adjournment &c.
The House Adjourned untill to morrow morning at 9 of the Clock

April 29 Friday morning April 29th 1737

The House met according to Adjournment &c.

p. 688 The Governour Communicated to the House the Following Answer to the Address.

Gentlemen of the Lower House of Assembly I thank you Heartily for your Obligeing Address your kind wishes that my Administration may be not only agreeable but Delightfull to me Cannot but be very acceptable and I assure you that my Pleasure and Satisfaction during my Stay in the Province will always be in proportion to the Opportunities, I have of promoting your Welfare and prosperity.

Col Hammond from the Up^r Ho. Delivers M^r Speaker a petition of William Walker and Others relateing to the Injurious Treatment of Deer &c. Indorsed referred by the Up^r House to the Consideration of the Lower House which petition was here read & rejected.

M^r Magruder Hath leave of the House to go Home.

The House Adjourns untill 2 of the Clock in the afternoon

Post Merediem. The House met according to Adjournment &^{ca}
M^r Goldsborough a Representative of Talbot County appeared in the House this afternoon

Cot Gale M^r Key M^r Trippe M^r Tilghman M^r Moale and M^r Stoddert are Appointed a Committee to Inspect the Accounts and proceedings of the Commissioners for Emitting the Bills of Creditt &^{ca}

The House Adjourned untill to morrow Morning at 9 of the Clock.

April 30 Saturday morning April 30th 1737

The House met according to Adjournment &c.

The House Adjourned untill Monday morning at 9 of the Clock

May 2 Monday morning May 2^d 1737

The House met according to Adjournment &c.

M^r Key a Representative of S^t Marys County appeared in the House this Day.

Robert Gordon Esq^r a Representative of the City of Annapolis appeared in the House This Day. L. H. J.
Lib. No. 45

On Motion of a Member that a Bill may be brought in for Building of Publick Alm Houses and work Houses within this Province ordered that a Bill be Brought in accordingly and that the Committee of Laws prepare the same

The House Adjourns untill 2 of the Clock in the afternoon

Post Merediem, The House met according to Adjournment &c.

M^r Courts a representative of Charles County appeared in the House this afternoon

The House Adjourned untill to morrow morning at 9 of the Clock.

Tuesday morning May 3^d 1737

May 3

The House met according to Adjournment &c.

Captⁿ Henry Trippe representative of Dorchester County appeared in the House this morning.

On Motion of a Member Leave Given to Bring in a Bill Explanatory of the Act Entituled an Act for the more Effectuall punishing of Negroes and Other Slaves and for Takeing away the Benefit of Clergy from Certain Offenders

Ordered a Bill Supplementary of the act for the Advancement of Justice be brought in

James Holliday Esq^r from the Up^r House Delivers M^r Speaker a petition of W^m Torver of London Merchant Indorsed recommended by the Up^r House which Petition was here read and Granted. p. 689

Edmund Jenings Esq^r from the Up^r House Delivers M^r Speaker a petition of the Inhabitants of Baltemore Town and Jones's Town and the following Message. (See page 6.)

The said Petition was here read and rejected.

The House Adjourned untill 2 of the Clock in the Afternoon

Post Merediem. The House met according to Adjournment &c.

M^r Joshua George a Representative of Cecil County appeared in the House This afternoon. M^r Philip Key aded to the Committee of Aggrievances M^r Hammond M^r Richard Francis and M^r Key ordered to prepare an Address to the Governour to Entreat His Ex^{cy} to order the proper Officers to lay Before this House a Copy of his Lordships Instructions to his Agent of the Rates of money his Lordships Quit Rents are to be paid in

The House Adjourns untill to morrow morning at 9 of the Clock

L. H. J.
Lib. No. 45
May 4

Wednesday morning May 4th 1737

The House met according to Adjournment &c^a

Richard Francis Esq^r Delivers M^r Speaker the following Address which was read Approved and ordered to be Ingrossed

To His Excellency Samuel Ogle Esq^r Governour of Maryland

The Humble Address of the Lower House of Assembly

May it Please your Excellency.

We the Representatives of His Lordships Dutifull Tenants have Received Divers Complaints of Exactions and Oppressions Committed by some of the Farmers and their receivers of his Lopps Quit Rents by their undervaluing foreign Coins as well Silver as Gold, as also by their receiving the said Coins at Various rates in the Severall Counties; and as we are very greatly Sensible of His Lopps Declared Intentions of making the Collection of His rents not only not Oppressive, but easy to his good Tenants and of your Excys Constant Disposition to Discountenance any measures which may be or seem Injurious to the Properties of the People of Maryland

We Therefore Presume Humbly to Entreat your Excy to give Dereco to the proper Officers to lay before this House the Instructions His Lordship hath been pleased to give Concerning the Value of such foreign Coins in order that this House may Judge whether such Complaints are Justly made and in Hopes, In Case such Exactions should be fully proved some Method by your Excys Kind Interposition may be found out To prevent the same for the future.

A Bill Entituled an Act for the Relief of William Torver of London Merchant was read the first time and ordered to Lye on the Table

Michael Howard Esq^r from the Up^r House Delivers M^r Speaker a pētion of the Vestry of Queen Ann Parish in Prince Georges County recommended by the Up^r House which was here read and Granted.

Cof Hooper and Captⁿ Woolford two representatives of Dorchester County appeared In the House this morning.

The Address to His Excellency was brought in Ingrossed.

M^r Matthews and M^r Denton Sent to Acquaint his Excy This House hath prepared an Address to His Excy and Desires to Know when and where he will receive it they Return and acquaint M^r Speaker the Governour will be ready to receive it Immediately in the Conference Chamber.

M^r Smith and 11 more sent to present the Address to the Governor

The House Adjourned untill 2 of the Clock in the Afternoon

Post Meridiem The House met according to Adjournment &c^a
M^r Magruder Appeared this afternoon

L. H. J.
Lib. No. 45

A Bill Entituled an Act for the more Effectual Punishment of Certain Offenders and for Taking from them the Benefit of Clergy read the first time and ordered to Lye on the Table

M^r Dulany M^r Key M^r George and M^r Richard Francis appointed a Committee to Enquire into the Defects of the Several Laws now in force relating to the Testamentary affairs &c.

The Governour Communicated the following answer to the Address of This House presented this Day. Viz.

Gentlemen of The Lower House of Assembly

I Have in Pursuance of your Address for that purpose given Directions To His Lordships Agent to lay before you the Instructions his Lordship has been pleased to give Concerning the Value of foreign Coins and do assure you that Nothing shall be wanting on my part to Discountenance and Discourage all Exactions and Oppressions of whatsoever Nature by the Collectors and receivers of His Lordships Quit rents if I was to act Otherwise I should not only Disobey his Lordships repeated Commands but do Violence to my own Inclinations which I Hope will always lead me to do perfect Justice to all His Lordships faithfull Tenants

Sam Ogle

The House Adjourns untill to morrow Morning 9 a clock

Thursday morning May 5th 1737

May 5

The House met according to Adjournment &c.

Co^t Gale a Representative of Somerset County Appeared in the House This morning. The following Message Sent to the Up^r House by Co^t Gale and M^r Tilghman. (See page 7.)

Ordered that the Committee of Laws prepare a Bill to Enable the Committee Appointed by both Houses to Inspect the Accounts and proceedings of the Commissioners for Emitting the Bills of Credit are Remaining in the paper office for which new Bills have been given in Change. p. 691

The Bill Entituled an act for the Relief of William Torver of London Merchant read the second time and Committed for amendments

Ordered that the Ex^{rs} of Co^t Sam^l Young late Treasurer of the Western Shore be Acquainted that this House requires them to lay before the Committee of Accounts an account of what mony due to the Publick is now remaining in their Hands

Ordered that the Committee of Laws prepare a Bill in relation to the Bounds of Land

L. H. J. Ordered that the Committee of Laws prepare a Bill to aid the
 Lib. No. 55 Defects in probates of Last Wills and Testaments.

The Hous Adjourned untill 2 of the Clock in the Afternoon

Post Merediem The House met according to Adjournment &c.
 M^r Tench Francis a Representative of Talbot County appeared in
 the House this Afternoon

George Plater Esq^r from the Up^r House Delivers M^r Speaker the
 following Message (See page 8.)

M^r Speaker Communicated to this House the following Letter with
 the Copy of His Lordships Instruction to Benjamin Tasker Esq^r his
 Lo^{pps} Agent Inclosed therein Viz.

To the Hon^{ble} the Speaker of the Lower House of Assembly

M^r Speaker. By the Directions of His Excy the Governour I
 Lay before you a Copy of one of His Lo^{pps} Instructions to me relate-
 ing to foreign whole Gold and Silver that which relates to Cut Gold
 I Cant at present find, I think it is at three pounds the ounce I receive
 it so of the farmers and receivers

I am Sir your most Humble Servant

Benjamin Tasker 5th May 1735

Copy of His Lordships The Right Honourable the Lord Baltimore
 p. 692 his 4 Instruction Dated at London the 15th Day of December 1735

You shall Take no foreign Gold at above three pounds Sixteen
 Shillings and nine pence and Silver at five Shillings p ounce
 that being the price it bares here

Copy Benj^a Tasker

The House Adjourns untill to morrow morning at 9 of the Clock

May 6 Friday morning May 6th 1737

The House met according to Adjournment &c^a

The Question was put whether the House will now Take into Con-
 sideration a Method for Altering the payment of the 40 p poll and
 Officers fees or not, resolved in the Negative.

On motion of a Member ordered a Bill be brought in to Direct
 and Admit the prosecutions of Accessarys to Horse Stealers &c
 where the principals fly from Justice before Conviction

Philip Lee Esq^r from the Up^r House Delivers M^r Speaker a
 petition of the Vestry Church Wardens and principall Inhabitants of
 S^t Stephens Parish on the North Side of Sassafras Indorsed referred
 Here by the Up^r House which Petition was here read and Granted.

Ordered that the Clerk of this House Issue a Summons for Gilbert Crocket Emanuel Chew and William Dallam of Baltemore County and the Reverend M^r James Williamson of Calvert County to attend this House on Tuesday next

L. H. J.
Lib. No. 45
[Should not
Chew be
Teal]

The House Adjourns untill 2 of the Clock in the afternoon

Post Merediem The House met according to Adjournment &c^a

The Bill Entituled an Act for the more Effectuall Punishment of Certain Offenders and for Takeing from them the Benefit of Clergy was read the second time and Committed for Amendment

The House Adjourned untill to morrow morning at 9 of the Clock

Saturday May 7th 1737

May 7

The House met according to Adjournment &c.

Ordered that the Clerk of this House make out Summons for Leonard Wayman and Francis Peirpoint of Ann Arundell County and for William Rogers and Charles Ridgely of Baltemore County

A Bill Entituled an Act to Alter the Time for Superseding Executions Read the first time and ordered to Lye on the Table

The Question was put that an Address be made to the Governour Immediately Concerning His Lordships Instructions to his Agent Resolved in the Affirmative.

M^r Key and M^r Hammond Appointed to prepare an Address Accordingly. The Bill Entituled an act for the more Effectuall punishment of Certain Offenders and for Takeing from them the Benefit of Clergy read The Second time passed and Sent to the Up^r House by Co^t Hanson and M^r Richard Francis

The House Adjourned untill Monday morning at 9 of the Clock p. 693

Monday morning May 9th 1737

May 9

The House met according to Adjournment &c^a

M^r Speaker Communicated to the House the following Letter

S^r

I would have sent you the Inclosed Sooner but that I am very Sure I have one other Instruction relating to Cut Gold which reduces it to three pounds Sterl the ounce, as Soon as I Can possibly find it I will send it to you.

I am Sir Your most Humble Serv^t

Benj^a Tasker

And the following Instruction.

My Quit Rents and Alienation fines being payable in money Sterling and almost all the Specie in the Province being foreign Gold

L. H. J. (great part of which is Cut into Small pieces for the Conveniency of
 Lib. No. 45 Change) and reckoned accordingly to the Common Computation
 not warranted by any Law the ounce at £4.. 2..6
 Whereas Gold is worth Intrinsically nor more than 3..18..4
 So that my loss at this rate would be in every ounce }
 of Gold .. 4..2

This would not be all for the Paper Currency has already (tho
 not in Circulation) raised the Value of Bills of Exchange which is
 not Doubted will reach to 40 p C^t or more so that I must Either
 Have the money remitted in Specie with the Loss above mentioned
 and pay Freight and Assurance or loose by Converting this mony
 in the Country into Bills of Exchange p Cent at least £6..13..4

To A Void these Disadvantages my agent must give possitive
 orders to the Receivers of every Branch of my Revenue pay^{ble} in
 Sterling mony that when they receive foreign Gold no more be
 allowed for it than the Intrinsick Value w^{ch} is p ounce of such as is
 Cut into Small Bitts £3..10..0
 because great frauds have been Discovered by passing Bitts of
 Brass &c^a for Gold whereby very Cautious people have been much
 Imposed on

Copy Benj^a Tasker

The Question was put whether Leave shall be now given to bring
 in a Bill to Repeal the act for Limitation of Shipping Tobacco or
 not resolved in the Affirmative.

The Committee of Laws ordered to prepare a Bill accordingly

A Bill Entituled an Act for aiding some defects and Imperfections
 in the Probate of Last Wills and Testaments was brought in read the
 first time and Committed for amendments

Benjamin Tasker Esq^r from the Up^r House Delivers M^r Speaker
 a Bill Entituled an act for the Explaining and Carrying into Execu-
 tion an Act Entituled an act for laying out and Applying three Thou-
 sand five hundred pounds Current money of Maryland to the uses
 therein mentioned.

Indorsed by the Up^r House of Assembly 9th May 1737

Read the second time and will pass

Signed p order J Ross Ct Up^r Ho.

Which Bill was read here the first time & ordered to Lye on the
 Table.

Ordered that the Clerk of this House Issue Summons for M^r Philip
 Thomas M^r John Galloway and Doctor Samuel Chew all of Ann
 Arundell County to attend this House on the morrow

p. 694 James Holliday Esq^r from the Up^r House Delivers M^r Speaker
 a petition of Lewis Duvall of Ann Arundell County praying leave to

Cut of the Entail of a Tract of Land Called Wilsons Grove Indorsed by the Up^r House read and referred to the Consideration of the Lower House which petition was here read. L. H. J.
Lib. No. 45

Ordered that Major Sprigg and Col^d Dashiell or any two of them make Enquiry into the allegations therein Contained and make report thereof.

Edmund Jenings Esq^r from the Up^r House Delivers M^r Speaker the Bill Entituled an Act for the more Effectual punishment of Certain Offenders and for Takeing from them the Benefit of Clergy Indorsed by the Up^r House of Assembly May 9th 1737 read the second time and will pass which Bill was here read and passed for Ingrossing

The House Adjourns untill to morrow morning 9 a Clock

Tuesday Morning May 10th 1737

May 10

The House met according to Adjournment &c^a all Appeared Except Col^d Belt

The Bill Entituled a Supplementary Act to the Act Entituled an act for the Explaining and Carrying Into Execution an Act Entituled an Act for laying out and Applying £3500 Current money of Maryland to the uses therein mentioned was read the second time and on the Question will not pass which Bill was so Indorsed and sent to the Up^r House by M^r Smith and Captⁿ Wilson

The House Adjourns untill 2 of the Clock in the afternoon

Post Meridiem. The House met according to Adjournment &c.

George Plater Esq^r from the Up^r House Delivers M^r Speaker a petition of Queen Caroline Parish, recommended by the Up^r House which was here read and Granted.

M^r Tench Francis Delivers M^r Speaker the following Report Viz.

Upon the Petition of Lewis Duvall hereunto annexed referred to use the Subscribers to Examine into the facts Contained therein We Doe hereby Certifie that it Appears to us that the Land Called Wilsons Grove was granted unto Robert Wilson the first Day of May 1672 and laid out by Arteficiall boundaries and said to Contain two Hundred acres reserving the Annuall Rent of Eight Shillings Sterling, That it Appears to us that the said Land lyes about five miles from Navigable Water Either on South or Severn Rivers

That it Appears to us that there is a very good Dwelling House upon the said Land Called Wilsons Grove and three Tobacco Houses and that there are about Thirty or forty Acres of Woodland and but a Small part of the Timber on said Land fit for Clapp Boards

That it Appears to us that the Land Called Grinets Chance was laid out by Course and Distance only is said to Contain one hundred

L. H. J. acres and was Granted to Thomas Worthington under the Annuall
 Lib. No. 45 rent of four Shillings Sterling That Thomas Worthington by Deed
 of Bargain and Sale Indented Acknowledged and Inrolled Conveyed
 it to the Petitioner but what Improvements are upon it does not
 appear to us.

That it Appears to us that the Land Called Prettey Land was on the
 Tenth Day of June Seventeen Hundred Thirty and four Granted
 by Course and Distance only to the Petitioner under the Annual rent
 p. 695 of Two Shillings Sterling And is said to Contain fifty Acres That
 there are two New Dwelling Houses one good Tobacco House and
 some out Houses thereon but what Quantity of it is Cleared does not
 Appear to us.

That it Appears to us that the Land Called the Addition on the
 Tenth Day of June Seventeen hundred thirty and four was granted
 by Course and Distance only to the Petitioner under the Annuall rent
 of four Shillings Sterling and is said to Contain One hundred Acres
 and that this Tract is all Woodland

All which we Submit to the Consideration of the House. May
 10th 1737

Tench Francis Edw^d Sprigg Geo: Dashiell

The House Adjourns untill to morrow morning at 9 of the Clock

May 11

Wednesday morning May 11th 1737

The House met according to Adjournment &c^a

M^r Hammond Brings in the following Address

To His Excellency Samuel Ogle Esq^r Governour of the Province of
 Maryland

The Humble Address of the Lower House of Assembly
 May it Please your Excellency

We make our Gratefull Acknowledgement to your Excellency For
 your obliging Answer to our Address for having the Instructions
 given by his Lordship to the Agent Concerning the rate of foreign
 Gold and Silver Laid before us and receive your Kind Declaration
 therein that Nothing shall be wanting on your part to Discountenance
 and Discourage all Exactions and Oppressions of whatever Nature
 with great regard and Assure your Excellency it Affords us a more
 than ordinary pleasure at this time as we find our Selves under a
 Necessity of making a further Application we presume to acquaint
 your Excellency that in pursuance of your Direction the agent hath
 thought proper to lay before us a Copy of His Lordship's fourth
 Instruction Dated at London the fifteenth Day of December Seven-
 teen Hundred and thirty five which Directs that all foreign Gold shall
 be Taken at five Shillings the ounce that being the price they bare at

London he hath laid before us likewise a paper without Date either as to time or place which he is pleased to term the Copy of an Instruction that Appears to us to have been a Consideration had upon foreign whole and Cut Gold long since and if ever hath not of late been made the Rule of his Conduct as Appears by Instructions he hath Delivered to Severall of the farmers & receivers we find our selves Obliged to Declare that when we Consider the Comprehensive and General Terms of the Instruction of fifteenth of December Seventeen hundred and thirty five we are in great Doubt whether his Lordship Then gave or at any time Since hath given any Other Instruction relating to foreign Gold altho the agent hath been pleased to Intimate that there is another which he had not found whereby he thinks the rate of Cut Gold is affixed at three pounds the ounce Conceiving that as he is Doubtfull as to the Value of Cut Gold by the said Instruction he may perhaps have been Mistaken as to the Instruction it Selfe and as a full and positive Information In Relation to Such Instruction or the Instruction it Self if any Such there be is highly necessary to be laid before this House and Absolutely so in order to Enable us to make a Compleat and perfect Inquirie into severall Grievous Impositions which we Apprehend many of His Lordships faithfull Tenants have for some time past Laboured under we find our Selves again Obliged to have recourse to your Excy Earnestly Intreating that you will give Such Effectuall orders to the agent as shall Oblige him to lay before us the Instruction he hath Intimated he thinks Regulates Cut Gold at three pounds the ounce or in more full and Explicit Terms Declare the Contents of the said Instruction the Date thereof and when he received it from his Lordship.

L.^d H. J.
Lib. No. 45

p. 696

Which Address was Read Approved and ordered to be Ingrossed

On Reading the Bill Entituled an Act for the ease and Encouragement of Settlers on the remote and Back parts of this Province.

The Question was put whether the Exemption of paying Tobacco in Specie be Confined as in the Bill or reach the rest of the Inhabitants of the province who are not Tobacco makers resolved that it be proposed as an amendment to the Bill to reach the rest of the Inhabitants who are not Tobacco makers

For the Bill to reach the rest of the Inhabitants of the Province who are not Tobacco makers.

Major Jourdan
M^r Waughop
M^r Wilson
M^r Kennard
M^r Hall
M^r Hammond
M^r Denton
M^r Smith
M^r Skinner

M^r King
M^r Edmunson
M^r Goldsborough
M^r Trippe
M^r Warfield
M^r Browne
M^r Sheredine
M^r Hamilton

M^r Moale
M^r Mathews
M^r Magruder
M^r Sprigg
M^r Stoddert
M^r Gordon
M^r Elliott
M^r Wright

[Should not
Warfield be
Woolford]

L. H. J. For the Exemption of paying Tobacco in Specie to be Confined as
Lib. No. 45 in the Bill

| | | |
|--------------------------|------------------------------|---------------------------|
| M ^r Key | M ^r Hawkins | Co ^t Hooper |
| M ^r Dulany | Col Gale | M ^r Johnson |
| M ^r Warfield | M ^r Stoughton | M ^r George |
| M ^r Mackall | M ^r Dashiels | Co ^t Ward |
| M ^r Courts | M ^r Needles | M ^r R: Francis |
| M ^r Middleton | M ^r Tench Francis | M ^r Tilghman |
| M ^r Hanson | | |

Ordered that M^r Hammond Co^t King and M^r Denton prepare an amendment to the said Bill.

The Bill Entituled an act to alter the time for Superseding Executions read the Second time and will not pass.

A Bill Entituled an Act repealing an Act Entituled an Act for Limitation of the time of Shipping Tobacco read the first time and ordered to Lye on the Table.

The House Adjourns untill 2 of the Clock in the afternoon

Post Merediem. The House met according to Adjournment &c.

M^r Hammond Delivers M^r Speaker the Address to the Governour Ingrossed M^r Hammond and M^r Smith ordered to acquaint the Governour This House hath prepared an Address to him and Desir-eth to Know when and where he will receive it, they return and Acquaint M^r Speaker the Governour will be ready to receive it in halfe an hour in the Conference Chamber Co^t Mackall and 12 more
p. 697 ordered to Attend the Governour with the Address.

Ordered that M^r Jobson acquaint M^r Philip Thomas M^r Galloway and Doct^r Chew to Attend this House to morrow

The House Adjourns untill to morrow Morning at 9 of the Clock

May 12

Thursday Morning May 12th 1737

The House met according to Adjournment &c^a all present as yesterday Except Col Ward

The Governour Communicated to the House the following answer to the Address of this House presented yesterday Viz.

Gentlemen of the Lower House of Assembly

I Have in pursuance of your Address Delivered to me Yesterday repeated my directions To His Lordships Agent to lay before you the

Instructions you mention relating to Cut Gold or if that Cannot be found to give you as full an Information as possible of the Contents of the said Instruction as well as the Date thereof and the time when he received it from his Lordship.

L. H. J.
Lib. No. 45

Sam Ogle

M^r Mathews from the Committee of Aggrievances &c. Delivers the following Report

By the Committee of Aggreivances and Courts of Justice May 12th
1737

Your Committee having had Divers Informations of the Exactions and Oppressions Committed by some of the farmers and receivers of His Lordships Quit Rents have procured a Sight of the Directions given by the former Agent and also His Lordship the Lord Proprietary his Instructions bearing date at London the 15th December 1735 by which they find that by the first the farmers and receivers were Informed that the Said Agent would receive from them whole Gold at 3/11 and Cut Gold at 3/6 a penny weight and Silver at 5^s 7 p ounce and that by his Lordships aforesaid Instructions he Directs his Agent to take no foreign Gold at above £3 :16 :9 and silver at 5 S 7 p ounce from which your Committee Conceives his Lordship is willing to accept of those Kinds of money at those rates and never Intended they should be Taken from his Tennants at a less Value.

Yet your Committee have it before them by the Testimony of Witnesses that M^r Philip Thomas one of the farmers and receivers for Ann Arundell County has received 4/6 Cut Gold for 2 s sterling due from a Certain Sarah Stevens and has not from any person who has appeared before your Committee who hath paid him Cut Gold taken at a less than one hundred 7 Cent and in one Instance where he had Destrained a Negro would not take Cut or even whole Gold altho Offered to him but Insisted on Sterling mony and by means thereof the said Negro was Kept in Custody a Day or two Longer and thereby the person to whom the Negro Belonged forced to Pay 20 7 Day besides the Other fees Charged to and paid by the master of the said Negro and that he has been so far from accepting Spanish Silver at the rate by his Lordship Directed founded upon the Value the same mony and whole and Cut Gold Bear in London that he has refused to accept such mony Viz.

Spanish Silver at less then one hundred 7 Cent Difference and has also taken Pistoles altho weighing 23s 10 at no more than 14 for 15 s and some few odd pence

Your Committee further find that by Direction in writing from Mess^{rs} Docter Samuel Chew and John Galloway who alledge themselves farmers under M^r Philip Thomas for Baltemore County said to the person who Collects the rents there Ordered not to take

L. H. J. Moidores for more than 25s Each Cut Gold at 2s 9 a penny
 Lib. No. 45 weight and whole pieces of eight at 60 p Cent & Other Spanish
 money at 100 p Cent which said Direction the said Deputy hath so
 well Observed That the People have been forced to let them have
 p. 698 them at those Rates nay one person has Paid him a Pistole weighing
 23/10 for 12/10 which your Committee Apprehends to be Directly
 contrary to His Lordships Instructions and in it selfe a very great
 Aggrievance

It is also further Offered to your Committee as an Aggrievance
 that the Sheriff and Deputy receiver of Baltemore County have
 Exacted from Several Persons Different Quantitys of Tobacco where
 no Distress has been made and Induced some of them to pass their
 Notes for and pay the same by being told by one or Other of them
 that if they Suffered their goods to be destrained it would be more
 Expensive to them and Cost them four or Six hundred pounds of
 Tobacco and that the said Sheriff share the Same between

Thus Have your Committee some few facts and for the Support of
 them and many Others refer to the Depositions and Papers hereunto
 annexed and Submit the whole to the Consideration of the House

Signed p order of the Committee Tho^s Lynn Clerk

And the following Instructions Viz. Gilbert Crockett the Collec-
 tion of the Quit rents for this County being as we perceive very
 Backward and so few People Comeing in to Discharge their Re-
 spective Accounts at this Publick time we are Apprehensive that
 Except some Rigour is used in the Collection it will be Impossible for
 the farmers to Comply with their Engagements to the Right Honour-
 able the Lord Proprietary Since therefore the Backwardness of the
 People makes the following Instructions Absolutely necessary you are
 to pursue them with Vigour and Exactness Impri[mis] all such per-
 sons as do not Come in and Discharge their accounts for Quit rents
 within ten Days after the Date of these Instructions you are Imme-
 diately to proceed against by makeing Distresses or Takeing any
 other Legal Method to recover them as to you shall seem most proper
 according to particular Circumstances and this you are to do without
 favour or Partiality to any person in the County and more Especially
 to begin with the most Considerable that Shall be found Tardy

2^{dly} Notwithstanding the above Limitation of Ten Days you are
 in the mean time left at your Liberty to Distrain or to proceed Other
 ways against all such persons that you have any reason to Suspect and
 where any persons Dispute their accounts or refuse to pay on Such
 pretences as do not appear Reasonable you are to loose no time but
 proceed Immediately to recover against them and bring the matter
 to a Speedy Issue.

3^{dly} Where there appears arrearages to be due on any of the pre-
 ceeding Years you are to receive no part thereof nor any part of the

rent for the last half Year Except the persons from whom such
 arrearages are owing will Discharge the whole

L. H. J.
 Lib. No. 45

4^{thly} as the Scarcity of Sterling money may Subject some People
 to the Necessity of paying Bills of Exchange we are Content in
 favour to such to receive the rents that way but as there is an una-
 voidable Expense attends the Negotiateing Bills of Exchange and as
 in a great Number of Bills there will be a great probability that some
 of them may prove bad which will be very unreasonable Loss to the
 Collectors you are therefore Strictly to Observe that you take no
 Bills whatsoever without an Allowance of two pounds Ten Shillings
 7p Cent and also you take no Bill from any person whatsoever but
 where Several persons will Joyne for the Sums and Indorse for one
 Another and Even then not to take Bills but when it is in Discharge
 of the whol years Rent

5^{thly} where the Necessitys of people Oblige them to pay foreign p. 699
 whole Gold Cut Gold foreign Silver or paper money as it may be
 thought a Hardship absolutely, to refuse them you are to take them
 on no Other Terms than at the following rates Viz. Moidores at
 25 s Pistoles 15 s French Guineas at 21 s Cut Gold at 2/9 a penny
 weight whole pieces of eight at 60 7p Cent Other Spanish Silver at
 two for one Dollars at 2/3 and paper mony at 200 7p Cent

Samuel Chew John Galloway

Baltimore County April 6th 1737

And the following Depositions.

The Reverend M^r James Williamson of Calvert County being
 Sworn on the Holy Evangells of Almighty God Declares that some-
 time in June 1735 to the Best of this Deponents Knowledge M^r Philip
 Thomas with Richard Stallings One of the Sub Sheriffs of the said
 County and destrained one Negroe Ladd of the Proper goods and
 Chattles of this Deponent before any Demand was ever made by any
 person whatsoever on this Deponant upon which the Said Thomas
 and Stallings Came up to this Deponants House and thereupon the
 said Thomas told this Deponant that he had destrained the aforesaid
 Slave for this Deponants rent whereupon this Deponant Offered to
 the Said Thomas whole Spanish Gold French Gold and Cut Gold
 Sufficient in either Specie to Discharge the Said Thomases Demand
 for said Rent whose answer was to this Deponant that he would
 take Nothing but Sterling mony and this Deponant further upon his
 Oath aforesaid Saith that the aforesaid Negroe Continued under the
 Distress aforesaid for the Space of two Days at which time this
 Deponant procured the Sterling money and paid the same to the
 said Stallings who Discharged the said Negroe upon this Deponants
 giving his Note for the Payment of all the Sheriffs fees Accruing by
 reason of the Distress so made as aforesaid

James Williamson

L. H. J. Richard Stallings of Calvert County being Duly sworn Declares
 Lib. No. 45 that Sometime after September 1735 to the best of this Deponants Knowledge this Deponant received of the Reverend M^r James Williamson one Pistole weight Twenty three Shillings and Ten pence or more in order to pay this Deponants and said Williamsons Quit Rents that this Deponant accordingly went to the Court House of the County aforesaid where M^r Philip Thomas was who would not take the same for more than fourteen or fifteen Shillings Sterling and a few odd pence for which Sum only he did take it.

Richard Stallings

Emanuel Teal of Baltimore County being sworn on the Holy Evangelists of Almighty God Declares that this time Twelve months or thereabouts to the Best of this Deponants Knowledge this Deponant was Informed by his wife that M^r Gilbert Crockett with Col William Hammond High Sheriff of the County aforesaid had been at this Deponants House and Demanded the Quit Rents that as soon as this Deponant Came home and was Informed by his wife as aforesaid he this Deponant went to the said Crockett who told This Deponant that he would meet him at this Deponants House the next morning who accordingly Came that then the said Crockett told this Deponant if he would give his Note for the Payment of one
 p. 700 hundred pounds of Tobacco For his own use and one hundred pounds of Tobacco for the use of the Sheriff he would not destrain this deponant but would meet him at a Certain William Rogers's the Saturday following in order to receive the rent and further told this Deponant that if he Suffered himself to be destrained the Charges accruing thereby would amount to Either 400 or 600 pounds of Tobacco which this deponant is not Certain and thereupon this Deponant accordingly passed a note for the payment of the said Sum of Two hundred pounds of Tobacco and met the said Crockett at the time and place aforesaid and paid the said Crockett his rent accordingly; and this Deponent upon his oath aforesaid further Saith that sometime afterwards this Deponant being informed that the Tobacco for which this Deponant passed his note as aforesaid was not Legally due This Deponant sent to the said Sheriff the Sum of Ten Shillings Current in Lieu of the said 200 pounds of Tobacco which said sum the said Sheriff accordingly accepted and Delivered up this Deponants Note and further this Deponant Saith that the said Crockett at the same time this Deponant gave his Note for the payment of the said 200 pounds of Tobacco as aforesaid he the Said Crockett told this Deponant if he did not give his note for the Payment of Two hundred pounds of Tobacco more one hundred of which for the said Crocketts use and one hundred for the Sheriffs use he would Destrain for Land Rent Due from a Certain John Stinchcomb who lived at this Deponants House altho the said

Stinchcombs wife being then present Tendered to pay the said L. H. J.
Crockett her said Husbands Land Rent in Sterling money which Lib. No. 45
Land was Distant about five miles from This Deponants plantation
which last mentioned note this Deponant Accordingly passed and paid
the Said Sheriff in Lieu thereof Ten Shillings

Emanuel Teal

James Crouch of Ann Arundell County being duly Sworn on the
Holy Evangells of Almighty God Declares that in the year 1735
to the Best of this Deponants Knowledge M^r Philip Thomas and
Thomas Lisby one of the Sub Sheriffs of said County Came to this
Deponants House and that the said Thomas Told this Deponant
There was halfe a years Quit rent due from this Deponant where-
upon this Deponant answered that he was ready to pay it, and
accordingly the Said Thomas and Lisby Came into this Deponants
House upon which this Deponant Tendered the said Thomas the
Said one halfe years rent as also one Other halfe years rent thence
ensuing whereupon the said Thomas told this Deponant that he must
Satisfie the Sheriff for his fee in Comeing to destrain for the said
rent and that he would not give a receipt for the money untill this
Deponant would Satisfie the Sheriff for the same upon which this
Deponant asked the Sheriff what his fee was who answered 180: or
280 pounds of Tobacco which this Deponant is not at present Certain
and Demanded his Note for the Same which this Deponant accord-
ingly passed and this deponant further saith that the said Thomas
Demanded 2/6 Sterling for his Trouble in Comeing to this De-
ponants House to destrain which this Deponant Accordingly was
obliged to pay May 9th 1737

Jam^s Crouch

William Mordant of Prince Georges County being duly Sworn
on the Holy Evangells of Almighty God Declares that in the Year
1735 to the Best of this Deponants Knowledge John Davison who
(as this Deponant is Credibly Informed) is Implied by M^r William
Diggs to receive his Lordships Quit rents Came to this Deponants
house and as this Deponant is Informed demanded of his wife the
Quit rents due from this Deponant he this Deponant being absent
upon which this Deponants wife made Answer that her Husband
was not at home but that he had the money and would be at home the
Next Day and would then pay the money whereupon the said
Davison Left a Note Directed to this Deponant thereby desiring
this Deponant to meet him The next day by Ten of the Clock the
next morning at this Deponants House to pay the rent at which Time
the said Davison accordingly Came but this Deponant was not then
Come home whereupon the said Davison destrained and Carried
away Six New Large pewter Basons and then left another Note

L. H. J. Directed to this Deponant thereby Signifying to Come and meet him
 Lib. No. 45 at Nicholas Aberdeens (a Barbour) in order to pay his rent and
 redeem his Things when this Deponant Came home and received
 the aforesaid Notes this Deponant went to M^r William Diggs and
 paid said Diggs the rent and got a receipt therefore upon which
 Said Diggs told this Deponant That he had given the said Davison
 no orders or Instructions to Destrain this Deponant whereupon this
 Deponant went to the Said Aberdeens and met the Said Davison and
 produced the said Digg's receipt for the rent who then Delivered the
 things so destained as aforesaid to this Deponant upon the Depon-
 ants giving the Said Davison a Note for the payment of one hundred
 and Seventy odd pounds of Tobacco which this Dep^t Since accord-
 ingly paid May 9th 1737

William Mordant

Francis Perepoint of Ann Arundell County being sworn on the
 Holy Evangells of Almighty God Declares that in the month of
 March last this Deponant went to M^r John Galloway and Doctor
 Samuel Chew in order to pay his Quit Rent and laid down before
 them a parcel of Cut Gold in order to Discharge the Same whereupon
 the Said Galloway weighed out of the said Parcel of Cut Gold the
 Sum of Twenty four Shillings and two pence which he took in Dis-
 charge of this Deponants rent being 12/1 Sterling.

his

Francis F: P: Perepoint
 mark

Leonard Wayman of Ann Arundell County being Sworn on the
 Holy Evangells of Almighty God declares that this Deponant went
 to M^r Philip Thomas in order to pay his Quit Rent and gave him
 one Guinea and two French Crowns whereupon the said Thomas
 at first said he did not Care to take the French Crowns upon this
 Deponants Telling Said Thomas he Expected 5 s Sterling to be
 allowed him for Each s M^r Thomas Then told this Deponant he
 would allow him but three Shillings Sterling for Each upon which
 this Deponent desired M^r Thomas to Deliver him back the French
 Crowns and he would go back and bring the remainder of His rent
 M^r Thomas Then said if he took the Crowns he might take also the
 Guinea and told this Deponant he might Expect what would follow
 which this Deponant Apprehended to be the Sheriff Sent to destrain
 him upon which this Deponant agreed to take 3 s Sterling for Each
 Crown

Leonard Wayman

William Stevens of Ann Arundel County being sworn on the Holy
 Evangels of Almighty God Declares that in the year 1734 This

Deponant went to M^r Philip Thomas in order to pay Sarah Stevens's Land rent (being 2 s Sterling) that this Dep^t Laid Down a parcel of Cut Gold and Desired the said Thomas to take so much of the Gold as would Discharge the said Sarah Stevenses Rent who took in Lieu of the said two Shillings Sterling four Shillings and Six pence or Seven pence of the said Cut Gold which this Deponant laid Down May 9th 1737

L. H. J.
Lib. No. 45

William Stevens.

M^r Alexander Warfield of Ann Arundell County Son of Richard Warfield being duly Sworn upon his oath Declares that on the 24th March last this Dep^t went to the Late Dwelling House of George Neilson deceased in order to pay His Lordships Quit rents as by appointment of M^r Philip Thomas for that Purpose; that this Deponant asked M^r John Galloway how he took Spanish money in Lieu of Sterling and that the said Galloway or Doctor Samuel Chew (which This Deponant is not Certain) answered two for one that this Deponant told said Chew and Galloway that one hundred p Cent between Sterling and Spanish money was more than usually asked for that it Commonly went at fifty p Cent. And either M^r Chew or M^r Galloway answered this Deponant that it was his Instructions from his Employer upon which this Deponant paid said Chew and Galloway eight Shillings and Ten pence in Spanish Silver money Except one Bit of other foreign money in Lieu of four Shillings and five pence Sterling the aforesaid Other foreign Bill weighing about Seven pence or Seven pence halfe penny. May 9th 1737

p. 702

Alexander Warfield, Son of Richard

M^r Arlando Griffith of Ann Arundell County being duly sworn upon his oath Declares that this Deponant paid M^r John Galloway and Doctor Chew 20s Cut Gold in Lieu of Ten Shillings Sterling they saying that they would not take it under for that they had the Same from every Other Person who paid Cut Gold in Lieu of Sterling. May 9th 1737.

Arlando Griffith

Lewis Duvall of Ann Arundel County being duly Sworn upon his Oath Declares that this Deponant last March paid M^r John Galloway and Doctor Samuel Chew a piece of eight weighing Six Shillings wanting one farthing or thereabouts in Lieu of Three Shillings Sterling and this Deponant upon his Oath aforesaid doth further declare that some time last fall this Deponant applied to M^r Philip Hammond to pay his Quit Rent and accordingly M^r Hammond Informed this Deponant that he had Tendered M^r Philip Thomas this Deponants Rent upon which M^r Thomas said as M^r Samuel

L. H. J. Chew was a Dying he Could not then receive the rent but that
 Lib. No. 45 another Time would do as well, whereupon some time afterwards
 William Hood one of the Sub Sheriffs of Ann Arundell County
 aforesaid Came to this Deponants House without any receiver or
 Other Officer and told this Deponant he Came to destrain this Dep^t
 for his rent whereupon this Deponant asked the Said William Hood
 if he Could give this Deponant a receipt for the rent whose answer
 was that he Could not This Deponant Then asked the said Hood
 what he must do who answered this Deponant that he may let it
 alone until another time or an Oppertunity of Seeing M^r Thomas
 and M^r Samuel Chew and then Obliged this Deponant to give the
 said Hood a note for one hundred pounds of Tobacco as a Destrain-
 ing fee

Lewis Duvall

John Bailey of Baltemore County being sworn on the Holy
 Evangells of Almighty God Declares that this Deponant in March
 1735/6 went to M^r Gilbert Crockett in order to pay his Father
 George Baileys Quit Rent being the Sum of Twelve Shillings and
 eight pence halfe penny Sterling and gave the said Crockett one
 Spanish Pistole w^t 23 s to for which the Said Crockett Declared he
 would allow this Deponant no more than the said Twelve Shillings
 Eight pence Sterling and three English halfe pence which the said
 Crockett Delivered this Deponant in Change he the Said Crockett at
 the same time saying he usually took pistoles at that rate and if this
 Deponant did not like thereof he might have brought Sterling money

John Bailey

M^r William Dallam one of the Dep^{ty} Sheriffs of Baltimore County
 being Sworn on the Holy Evangells of Almighty God Declares that
 this Deponant went frequently with M^r Gilbert Crockett to Sundry
 the Inhabitants of said County in order to destrain for his Lordships
 Quit Rents some of whom This Deponant Destrained and that the
 distraining fee this Deponant usually Took was £100 Tobacco one
 halfe whereof (This Deponant was Informed by the Said Gilbert
 p. 703 Crockett) He the said Gilbert Crockett by agreement between him
 and the Sheriff was to have for his own use and that sometimes
 where Distresses were not made the Sheriff Took the partys note for
 the payment of the said Distraining fee the Contents of one of which
 said notes was paid to the Knowledge of this Deponant

William Dallam

M^r Thomas Gassaway Jun^r of Ann Arundell County being sworn
 on the Holy Evangells of Almighty God declares that M^r Philip
 Thomas with M^r Nicholas Maccubbin then High Sheriff of said
 County Come to this Deponants House near South River and

Destrained two Negroes of the proper goods and Chattles of this Deponant for Quit rents due as well for Land in Baltimore County as Land in Ann Arundell County (some of which said Lands in Baltimore County particularly a Tract Called Geists planes this Deponant Know nothing of) in his this Deponants absence but before the said Thomas and the Said Sheriff went away this Deponant Came home whereupon this Deponant promised to pay to the said Thomas the said rent in a few Days which the said Thomas accordingly accepted upon this Deponants Satisfying the Sheriff for his Distraining fee which the Sheriff Insisted was 350 pounds Tobacco and for which Sum this Deponant passed his note and afterwards Discharged and paid

L. H. J.
Lib. No. 45

Tho^s Gassaway Jun^r

William Rogers of Baltimore County being duly Sworn upon his Oath Declares That M^r Gilbert Crockett was on or about the 3^d Instant at this Deponants House in order to receive his Lordships Quit rents and that this Deponant aided the said Crockett in receiving the Same by lending his Scales and weighing Gold and that the said Crockett in this Deponants presence took at the rate of Two Shillings Cut Gold in Lieu of one Shilling Sterling and this Deponant further Saith that he heard the Said Crockett say if he Destrained for rent it would Cost Such persons as were destrained 22/6 that is to Say 10 s for his the said Crocketts fee and 12/6 or one hundred pounds of Tobacco for the Sheriffs fee

William Rogers.

Charles Ridgely of Baltimore County upon his Oath Declares that he paid M^r Gilbert Crockett the Second Day of this Instant for Nathaniel Ayres's Quit rent at the rate of one hundred p Cent between Spanish Silver and Sterling

Sworn at the Bar of the House

Cha^s Ridgeley

this 12th of May 1737 as to Substance
before

Henry Hooper

M^r Gilbert Crockett Receiver for the farmers of Baltimore County declares That by the first Instructions he had from M^r Samuel Chew Deceased in his Life time and M^r Philip Thomas he was to receive Spanish Silver at 50 s p Cent Pistoles at 15/6 Sterling Moydores at 25 s Sterling and Cut Gold at 3 s Sterling p penney w^t

By M^r Crocketts last Instructions from M^r John Galloway and Doct^r Samuel Chew which last Instruction was produced to the Committee the following Paragraph was Incerted Viz. where the Necessitys of People Oblige them to pay foreign whole Gold Cut Gold Foreign Silver or Paper mony as it may be thought a Hard-

L. H. J. ship Absolutely to refuse them you are to take them on no Other
 Lib. No. 45 Terms than at the following rates Viz. Moidores at 25 s Pistoles
 at 15 s French Guineas 21 s Cut Gold 2 s 9 a penney weight whole
 pieces of eight at 60 p Cent Other Spanish Silver at two for one
 Dollars at 2 s 3 and paper money at 200 p Cent

The Report was read and the Contents thereof was Immediately
 taken into Consideration

p. 704 M^r Philip Thomas Doctor Samuel Chew M^r John Galloway and
 M^r Gilbert Crockett ordered to Attend the Bar of This House to
 make answer to the facts in the Report Contained they attended
 accordingly.

On their being fully heard thereon ordered to withdraw

They were ordered to Attend the House in the Afternoon

M^r Speaker Communicated to the House the following Letter
 Viz.

To The Honourable James Harris Esq^r Speaker of the Lower
 House of Assembly
 S^r

Upon the Strictest Search that I Can make I Cant find his Lord-
 ships last Instruction Relating to Cut Gold which reduces it to three
 pounds the Ounce yet I am very possitive I had such a one and to the
 best of my remembrance it was Dated in the Year 1735 and I received
 it in April 1736 If I Could give you any further Satisfaction I
 assure you that I would very readily do it.

S^r Your most Humble Servant.

Benjamin Tasker

The House Adjourns untill 2 of the Clock in the Afternoon

Post Merediem. The House met according to Adjournment &c.

The House proceeds to Consider the report made by the Com-
 mittee of Aggrievances and Deferred the further Consideration
 untill monday morning next M^r Philip Thomas Doctor Chew M^r
 John Galloway and M^r Gilbert Crockett ordered to Attend this
 House on Monday next.

The Bill Entituled an Act Repealing an Act Entituled an Act for
 Limitation of The time of Shipping Tobacco read the second time
 Passed and Sent to the Up^r House by Col Gale and M^r Key.

The Bill Entituled an Act for the Ease and Encouragement of
 Settlers on The remote and Back parts of this Province read the
 Second time and with the following amendments will pass. (See
 page 12.)

Sent to the Up^r House by Col King and M^r Hammond

The House Adjourns untill to morrow Morning 9 a Clock

Friday Morning May 13th 1737

L. H. J.
Lib. No. 45
May 13

The House met according to Adjournment &c^a

The Petition of Lewis Duvall of Ann Arundell County praying leave to Bring in a Bill to Cut of the Entail of a Tract of Land Called Wilsons Grove and to Entail Land's in Lieu thereof read and Granted.

On Motion of a Member Leave given to Bring in a Bill for giving further time for proving of Accounts and for repealing part of an Act of Assembly therein mentioned. p. 705

M^r Denton Brings in a Bill Entituled an Act for giving further time for proving accounts and for Repealing part of an Act of Assembly therein mentioned which was read the first time and the Question was put whether the said Bill should have a second Reading or not Resolved in the Negative

George Plater Esq^r from the Up^r House Delivers M^r Speaker the following Message (See page 12.)

The House Adjourns untill 2 of the Clock in the Afternoon

Post Merediem. The House met according to Adjournment &c.

The following Message Sent to the Up^r House by M^r Hammond & M^r Stoughton (See page 13.)

The Bill Entituled an Act to Quit Possessions and to perpetuate the Bounds of Land Read the first time and ordered to Lye on the Table.

On Motion Leave given to bring in a Bill to purchase Land without the City of Annapolis fence In order for a Garden to a House to be built for His Ex^cy The Governour.

Michael Howard Esq^r from the Up^r House Delivers M^r Speaker the following Message. (See page 13.)

A Bill Entituled an Act to remove some Doubts Concerning the probates of Wills read the first time and ordered to Lye on the Table.

On Motion of a Member to bring in a Bill against Ingrossing and and Regrateing Leave is given accordingly and Cot Hanson Cot Hooper and M^r Smith appointed to Draw the same

The House Adjourns &c^a untill to morrow morning at 9 of the Clock

Saturday morning May 14th 1737

May 14

The House met according to Adjournment &c^a

An Ingrossed Bill Entituled an Act for the more Effectual Punishment of Certain Offenders and for Takeing from them the Benefit of Clergy read and Assented to. The Bill Entituled an Act for the further Explaining and Carrying into Execution an Act for laying

L. H. J. out and Applying £3500 Current money of Maryland to the uses
 Lib. No. 45 therein mentioned read the first time and ordered to Lye on the
 Table.

p. 706 On Motion of a member leave given to bring in a Bill to Enable
 The Treasurers of this Province to pay to the Owners of Slaves
 what they shall be Valued at who shall be Executed, or dye in Prison
 after Condemnation before Execution on Certificate produced from
 the Severall Sheriffs in whose Custody they were.

The House Adjourns untill Monday morning at 9 of the Clock

May 16

Monday morning May 16^h 1737

The House met according to Adjournment &c^a

M^r Johnson Added to the Committee to Enquire Into the State
 and Condition of the Arms and ammunition &c^a

The Bill Entituled an Act to Quiet Possessions and to perpetuate
 the Bounds of Land was read and Committed for amendments.

A Bill Entituled an Act to Dock the Entail of a Tract of Land
 Called Wilsons Grove in the County of Ann Arundell and vesting
 the same in Lewis Duvall in fee Simple and for Settling Other
 Lands and Tenements to the same uses read the first time and
 ordered to Lye on the Table.

The House Adjourns untill 2 of the Clock in the afternoon

Post Merediem. The House met according to Adjournment &c^a
 M^r Mathews Delivers M^r Speaker the following report Viz.

By the Committee of Aggrievances and Courts of Justice
 May the 16th 1737

Your Committee having had before them a Complaint Relating
 to Tenders made of parcells of Tobacco under 500 Viz. That
 persons under Execution for Smaller Debts have Applyed to a
 Justice of the peace in order to appoint Persons to View Such
 Tobacco pursuant as they Apprehended to an Act of Assembly in
 that Case provided and that Such Justice Conceiving it was not
 in his power to have Such Tobacco Viewed or give any person under
 Execution any relief on Such Application; by which means many
 are held in Prison because the Creditor will not receive his Debt
 nor will the Sheriff receive the Same, And your Committee having
 Inspected into the Act Entituled an Act for the Relief of Debtors
 and ascertaining the manner of Tenders in Tobacco and the Supple-
 mentary Act thereto are of Opinion that the same are Deficient in
 the particulars aforesaid and Apprehend where there is the same

reason there ought to be the Same Law which they Submit to the L. H. J.
Consideration of the House. Lib. No. 45

Signed p order of the Committee Tho^s Lynn Cfk

The House Concurs with the Report and ordered that a Bill be Brought in to Remedy the Evill therein mentioned and that the Same be prepared and Brought in by the Committee of Laws.

On Reading the Report, made by the Committee of Aggrievances on the 12th Instant The House Concurs therewith Except with what relates to the refusing of Money said to have been Tendered for rent for which a Negroe that Belonged to the Reverend M^r James Williamson was destrained and refusing to return back or Deliver the Said Negroe when the money was Tendered M^r Williamson the Evidence thereto not Attending and Excepting also what Relates to the receiving a pistole weighing £1..3..10 for £0..12..10 Sterling which Appears to have been Received by M^r Crockett before the Directions in writing in the report mentioned given to the Said Crockett.

The House Adjourns untill to morrow morning at 9 of the Clock

Tuesday morning May 17th 1737

May 17

The House met According to Adjournment &c^a Doctor Samuel Chew and M^r John Galloway ordered to Attend they Attended Accordingly.

M^r Speaker Acquaints them that as it appears what they Acted p. 707 was in Conformity to Instructions given them by M^r Philip Thomas This House out of Lenity to them have thought proper to pass Over that part of their Beheaviour without Censure, But is of Opinion that they ought to refund the Several Sums of mony Injustly received by Virtue of said Instruction and are ordered to Refund the same Accordingly and thereupon are discharged from any further Attendance paying the Several fees due and the Evidences Attendance.

The House Adjourns untill 2 of the Clock in the afternoon.

Post Merediem, The House met according to Adjournment &c.

The Question was put whether the Bill Entituled an Act against Ingrossers and Reqrators should have a Second reading or not Resolved in the Negative

A Bill Entituled an Act Empowering the Justices of Cecil County Court to Levy on the Taxable Inhabitants of S^t Stephens North Sassafras Parish the Sum of £290 Current money of Maryland at two Equal Assessments Read the first time and ordered to Lye on the Table.

L. H. J. M^r Grundy Pemberton a Returned member for Queen Anns
 Lib. No. 45 County appeared in the House this afternoon.

M^r George and M^r Tilghman ordered to go to the Up^r House and see him Take the Several Oaths to the Government they return and acquaint M^r Speaker they see him Qualified. On Consideration of the report made by the Committee of Aggrievances The House made the following resolves Viz.

Resolved by this House that the Exacting and Extorting from his Lordships faithfull Tenants in Maryland foreign Gold and Silver in Discharge of their Quit rents and Alienation fines at any rate under the Sterling Value is Illegall and Oppressive and a manifest Violation of the Rights and Libertys of the People

Resolved by this House that Philip Thomas and Gilbert Crockett have in an Illegal and unreasonable manner Exacted and Extorted from the Inhabitants of This Province for Quit rents Several Sums of foreign Gold and Silver at a rate far Inferiour to its Sterling Value Contrary to his Lordships Instructions and also Sums of money on pretence of fees for their Trouble in Collecting that is not warranted by any Law or Custom and further resolved that an Humble Address be presented to His Excellency Setting forth the Oppressions Exactions and Extortions aforesaid by the same Philip Thomas and Gilbert Crockett Committed and to Entreat His Excellency to order prosecutions against them for the said Crimes and that His Excellency would be pleased to use his Endeavours to prevent such for the future

M^r Stoughton M^r Hammond and M^r George ordered to Draw an Address to the Governour to set forth the Grievances Reported by the Committee.

M^r Philip Thomas and M^r Gilbert Crockett were ordered to attend they Attended accordingly.

M^r Speaker acquainted them that this House was of opinion that they had in an Illegal manner Exacted and Extorted from many Inhabitants of this Province for Quit rents Several Sums of forreign Gold and Silver at a rate far Inferior to the Sterling Value Contrary to the Lord Proprietary his Instructions and also Sums of money and Tobacco on pretence of fees for their Trouble in Collecting all which were not only Aggrievances but Tended to Alienate the minds of his Lordships faithful Tenants that this House was further of Opinion that they make restitution to the Several persons from whom they Extorted those sums mentioned and pay the Several fees due and the Charges of the Evidence upon which they are
 p. 708 Discharged any further Attendance on this House.

Philip Lee Esq^r from the Upper House Delivers M^r Speaker a Bill Entituled A Supplementary Act to the Act Entituled an Act for the more Effectual Punishment of Negroes and Other Slaves and

for Taking away the Benefit of Clergy from Certain Offenders
And to an Act Entituled an Act to prevent the Tumultuous meetings
and Other Irregularities of Negroes and Other Slaves and Directing
the manner of Trying Slaves, which was read the first time and
ordered to Lye on the Table

L. H. J.
Lib. No. 45

The House Adjourns untill to morrow morning at 9 of the Clock

Wednesday morning May 18th 1737

May 18

The House met according to Adjournment &c.

M^r Mathews from the Committee of Aggrievances Delivers the
following Report

By the Committee of Aggrievances and Courts of Justice
May 18th 1737

Your Committee have had Complaints that Several persons who
have been Summoned to Appear at Annapolis before the Master in
Chancery to give Evidences in Causes depending in that Court have
in Consequence thereof Attended there to be Examined but the
master has not been in Town which has Occasioned those persons
after Attending Severall Days to return without giving their Depo-
sitions and put them to the Trouble and Expence of Another Journey
and farther Attendance and may Endanger the Party for whom
they are Summoned to lose the Benefit of their Testimony which
your Committee Humbly represent as an Aggrievance to many
the Inhabitants of this Province and Submit the same to the Con-
sideration of the House

Signed p order of the Committee Tho^s Lynn C^{lk}

A Bill Entituled an Act to Impower the Justices of S^t Marys
County Court to Purchase Land whereon to Build a Prison read the
first time and ordered to Lye on the Table.

M^r Mathews from the Committee of Aggrievances Delivers the
following Report.

By the Committee of Aggrievances and Courts of Justice
May the 18th 1737

Your Committee having had before them Complaints that in some
of his Lordships Grants to his Tenants where the rent reserved is
to be paid in Grain to be delivered at his Lordships Receipt without
any place being Expressed where it shall be received the Same
Tenants are not Directed by any of the farmers or receivers where
to pay them so that the persons Indebted are forced to remain so for
the want of Naming a place which your Committee Represents to
the House and Submit to its Consideration

Signed p order of the Committee Tho^s Lynn C^{lk}.

L. H. J.
Lib. No. 45 The Bill Entituled an Act for the further Explaining and Carry-
ing into Execution an Act for Laying out and Applying £3500
Current money of Maryland to the uses therein mentioned read the
Second time passed and Sent to the Up^r House by Col Hooper and
M^r Richard Francis.

The House Adjourns untill 2 of the Clock in the afternoon

Post Merediem The House met according to Adjournment &c.

A Supplementary Bill to the Acts Entituled the Acts for the Relief
of Debtors and ascertaining the manner of Tenders in Tobacco.
Read the first Time and ordered to Lye on the Table.

The House Adjourns untill to morrow morning at 9 of the Clock

May 19

Thursday morning May 19th 1737

The House met according to Adjournment &c.

p. 709 A Petition of Nicholas Lowe and Others late Sheriffs of Talbot
County and of John Goldsborough The present Sheriff read and
rejected

On motion of a Member leave given to bring in a Bill for ascer-
taining the Manner of payment of fees due from Criminal persons.

Col King from the Committee of Accounts brings in an Account
of the publick Stock signed by Col Charles Hammond as Treasurer
of the western Shore upon which the House resolved to make En-
quiry into the Commission by which he has acted as such and into
the former Manner of Appointing Treasurers and ordered that Col
Gale M^r Stoughton M^r Key and M^r Tench Francis make Enquiry
and make report thereon to the House.

The House Adjourns untill 2 of the Clock in the afternoon.

Pose Merediem. The House met according to Adjournment &c.

The Bill Entituled an Act to Empower the Justices of St. Marys
County Court to purchase Lands whereon to build a prison read the
second time and will pass Sent to the Up^r House by M^r Key and M^r
Waughop.

The Bill Entituled a Supplementary act to the Act Entituled an
Act for the relief of Debtors and ascertaining the manner of Tenders
in Tobacco read the second time and will pass Sent to the Up^r House
by Col Hooper and M^r Hall.

The Bill Entituled a Supplementary Act to the Act Entituled an
Act for the more Effectual Punishment of Negroes and Other Slaves
and for Takeing away the Benefit of Clergy from Certain Offenders
and to an Act Entituled an Act to prevent the Tumultuous meeting
and Other Irregularities of Negroes and Other Slaves and Directing

the manner of Trying Slaves, read a second time and will pass with the following amendments. (See page 17.)

L. H. J.
Lib. No. 45

The Bill Entituled an Act to remove Some Doubts Concerning the Probates of Wills, referred for a further reading on the Thirtieth Day of June next. p. 710

The Bill Entituled an Act to Dock the Entail of a Tract of Land Called Wilsons Grove &^{ca} read Second time passed Sent to Up^r House by M^r Denton and M^r Tilghman

Col Hammond from the Up^r House Delivers M^r Speaker the Bill Entituled an Act for Limitation of the time of Shipping Tobacco Indorsed read by the Upper House the 2^d time and will not pass.

James Holliday Esq^r from the Up^r House Delivers M^r Speaker the Bill Entituled an Act for the further Explaining and Carrying into Execution an Act for laying out and Applying £3500 Current money of Maryland to the uses therein mentioned Indorsed read by the Up^r House 19th May 1737 the Second time and will pass which Bill was here read and passed for Ingrossing.

The Bill Entituled an Act Empowering the Justices of Cecil County Court to Levy on the Taxable Inhabitants of St. Stephens North Sassafras Parish the Sum of £280 Current money of Maryland at two Equal Assessments read the second time passed and sent to Up^r House by M^r Johnson and M^r Wilson

M^r Hammond Brings in the following Address.

To His Ex^cy Samuel Ogle Esq^r Governour of the Province of Maryland

The Humble Address of the Lower House of Assembly
May it please Your Excellency

As Hearing the Complaint of those we represent and Examining into the Nature of any Oppressions they may Labour under is one of the most Essential parts of the great Trust Committed to us we begg Leave to Acquaint your Excellency that in Execution of that Trust we find by the Information as well as Testimony of Several persons had under Examination before us that M^r Philip Thomas a farmer of His Lordships Quit Rents hath Grievously Oppressed many of his faithful Tenants and Contrary to his Lordships Known Disposition in a most arbitrary and unwarrantable manner Exacted and Extorted from them in Discharge of their Quit rents several Sums of foreign Gold and Silver at a rate far less than is Declared their Sterling Value by his Lordships Instruction of the fifteenth Day of December Seventeen hundred and thirty five and in Open Contempt of his Lordships Direction by the said Instruction.

It Likewise Appears that M^r Gilbert Crockett a Receiver under the said Philip Thomas hath not only in the Like Oppressive Arbitrary

L. H. J. and Contemptuous manner Committed Crimes of the like Nature but
 Lib. No. 45 also Exacted and Extorted from Several of His Lordships Tenants
 Sundry Sums of money or Tobacco as fees due to himself which we
 Conceive not to be warranted by any Law or Custom we View these
 Abuses with the utmost Abhorrence as they are Committed under an
 Administration that never Countenanced the Least Oppression and
 are Such as may Tend to Alienate the minds of his Lordships
 Tenants from his Dominion and Government and think in Justice
 to the Country the persons Committing Such Abuses ought to be
 Treated in such manner as may Effectually Discountenance all Op-
 pressions of the like Kind for the future and to that End we begg
 leave to Intreat your Excellency to Direct that the said Philip
 Thomas and Gilbert Crockett be prosecuted according to Law. For
 their Oppressions and Exactions aforesaid and in order more fully
 p. 711 to Open the Scene of their Behaviour to lay before your Excellency
 a Copy of the Report of the Committee of Aggrievances Concurred
 to by this House with the Depositions anext not doubting but your
 Excellencys Justice and regard for the well being of the People of
 Maryland will Appear upon this with the same Zeal as it hath before
 upon every Other Occasion throughout the whole Course of your
 Administration.

Which was read Approved and ordered to be Ingrossed. The
 House Adjourns until to morrow morning 9 of the Clock

May 20

Friday morning May 20th 1737

The House met According to Adjournment &c.

The Bill Entituled a Supplementary Act to the Act Entituled an
 Act for the more Effectual punishment of Negroes &c^a Sent to the
 Up^r House with The amendments proposed by M^r George and M^r
 Courtes.

A Second reading of the Bill Entituled an Act to quiet possessions
 and perpetuate the Bounds of Land referred to the 30th of June
 next.

The Address to the Governour was Brought in and being prepared
 M^r Smith and Co^t Hanson ordered to Acquaint the Governour
 therewith and to ask his Excellency when and where he will Appoint
 to receive it.

They return and Acquaint M^r Speaker the Governour will be ready
 Immediately to receive it in the Conference Chamber

Co^t Mackall and eleven more Sent to present the Address to the
 Governour

A Bill Entituled an Act for Secureing the rights and Inheritance of
 Sundry persons to the lotts by them Taken up paid for and built

upon in Leonard Town in St Marys County read the first and Second time by an Especial order passed and Sent to the Up^r House by M^r Key and M^r Jourdan. L. H. J.
Lib. No. 45

An Ingrossed Bill Entituled an Act for the further Explaining and Carrying into Execution an Act for laying out and Applying £3500 Current money of Maryland to the uses therein mentioned read and Assented to.

The Ingrossed Bill Entituled an Act for the more Effectual punishment of Certain Offenders and for takeing from them the Benefit of Clergy Sent to the Up^r House with the Paper Bills by M^r Mathews and Captⁿ Woolford

The House Adjourns until 2 of the Clock in the afternoon

Post Meridiem. The House met according to Adjournment &c^a
The House Adjourns until to morrow Morning at 9 of the Clock.

Saturday morning May 21st 1737

May 21

The House met according to Adjournment &c^a

Co^t. Mackall is ordered to Join with the Other Members appointed to make Enquiry into the Journals Concerning the former manner of appointing Treasurers.

The Governour Communicated to the House the following answer Viz.

Gentlemen of the Lower House of Assembly.

I Have perused your Address Delivered to me yesterday together with the Report of your Committee of Aggrievances and the Depositions annexed to the said Report and am very Sorry that any of his Lordships faithful Tenants should have met with any Oppression or Exactions in the payment of their Quit rents Contrary to his Lordships Known Intention & Instructions I shall according to your Desire give Directions that the persons you mention may be prosecuted according to Law and you may be Assured, that I shall at all times be ready to Discountenance all Oppression and Injustice of what Kind Soever in the farmers and receivers but as I doubt not of your Inclinations to do as much Justice to his Lordship as to his Tenants I may reasonably Expect your House will Declare their sense of the Obligation which the Tenants Lye under of readily paying their Quit rents according to such rates, as his Lordship may be willing to take foreign Gold and Silver at from the receivers and Farmers and it is to be hoped that thereby the Tenants will avoid and the Farmers and receivers will not be put under the necessity of Collecting the Quit rents by any Rigorous Methods prescribed by Law. p. 712

Sam: Ogle

L. H. J.
Lib. No. 45

M^r Key hath Leave of the House to go home

George Plater Esq^r from the Up^r House Delivers M^r Speaker the Bill Entituled an Act to Dock the Entail of a Tract of Land Called Wilsons Grove &c^a Indorsed by the Upper House of Assembly 21st May 1737. Read the second time and will pass which said Bill was read here and passed for Ingrossing

Michael Howard Esq^r from the Up^r House Delivers to M^r Speaker the Bill Entituled an Act to Impower the Justices of S^t Marys County Court to purchase Land whereon to build a Prison Indorsed read the Second time and will pass which Bill was here read and passed for Ingrossing.

Philip Lee Esq^r from the Up^r House Delivers M^r Speaker the Bill Entituled an Act Empowering the Justices of Cecil County Court to Levy on the Taxable Inhabitants of S^t Stephens North Sassafras Parish the Sum of £28 Current money of Maryland at two Equal Assessments Indorsed read by the Up^r House the second time and will pass which Bill was here read and passed for Ingrossing.

Cot Hammond from the Up^r House Delivers M^r Speaker a petition of Gideon Pearce of Kent County referred here by the Up^r House which was here read and Leave given to bring in a Bill as prayed.

Edmund Jenings Esq^r from the Up^r House Delivers M^r Speaker the Bill Entituled an Act for secureing the rights and Inheritance of Sundry person to the Lotts by them Taken up paid for and built upon in Leonard Town in S^t Marys County Indorsed read by the Up^r House the 2^d time and will pass which Bill here passed for Ingrossing.

A Bill Entituled an Act to Encourage the Apprehending Some felons and for Trying Accessarys to felony's by them Committed before Conviction of the principals read the first time and second time by Especial order passed and Sent to the Upper House by M^r Goldsborough and M^r Needles.

The House Adjourns untill 2 of the Clock in the afternoon

Post Meridiem The House met According to Adjournment &c.

Cot King Delivers the following Report and account

1737 D^r The Ex^{rs} of Cot Samuel Young Late Treasurer of the Western Shore to the publick & to the Schools

| | | |
|---|---|--|
| To Ballance due from the late | } | Paper |
| Treasurer on the duty of | | |
| three pence p ^p hh ^d on To- | | |
| bacco for arms | } | £34:13:7 ³ / ₄ and £0:18:3 |
| To Ditto on the duty of twenty | | |
| Shill ^s | } | 13:16:8 |
| Ster ^t p head on Negroes | | |

| | | | | |
|---|-------------------------|------------------------|---------|-------------|
| To D ^o to the County Schools | 1197:10:2 $\frac{1}{4}$ | £761:2:4 $\frac{1}{2}$ | 11:11:1 | L. H. J. |
| To the free Schoole of the City of Annapolis | 11:11..1 | 3:0:0 $\frac{3}{4}$ | | Lib. No. 45 |
| | <hr/> | | | |
| | £1246: 0:6 | £764:2:5 $\frac{1}{4}$ | | |

| | | | |
|---|------------------------|-------------------------|--|
| C ^r 1737 By paid the order of the Visitors of the Several County Schools as appears by the Several orders and re- ceipts thereon | 880:7:2 $\frac{3}{4}$ | £323:17:8 $\frac{1}{4}$ | |
| Ballance Due | 365:13:3 $\frac{1}{4}$ | 440:4:3 | |
| | <hr/> | | |
| | £1246: 0:6 | £764:2:5 $\frac{1}{4}$ | |

Errors Excepted this 18th Day of May 1737 on behalfe of the
Surviving Executors of the Late Treasurer p Sam: Young

A True Copy Taken from the Account Past by Sam^l Young One p. 713
of the Ex^{rs} of Co^t Samuel Young Late Treasurer of the western
Shore

Test Richard Dorsey Cl. Com Acc^{ts}

1735. D^r M^r Samuel Hyde Merchant in London to the Province of
Maryland on account of Bills sent him for the duty of 3^d p Hogshead
for Arms

To Ball due to the publick £1160:16:3 $\frac{1}{4}$

| | |
|---|--------------------------|
| C ^r By one Set of orders on you payable to M ^r Onorio Razolini for one years Sallary dated the 29 th day of March 1736 for £40: and one Other Order dated the 10 th of June 1736 for halfe a years Sallary £20: and one Other Order dated the 7 th of April 1736 one pound thirteen Shil- lings said to be in Gold for Charges Carrying Arms to Baltimore County Computed at £1:3:0 Sterling in all amounts to | 61..3..0 |
| Ballance Due | 1099:13:3 $\frac{1}{4}$ |
| | <hr/> |
| | £1160:16:3 $\frac{1}{4}$ |

1735 D^r M^r William Hunt Merchant in London to The Province
of Maryland on Account of Bills Sent him for the duty of Twenty
Shillings Sterling p head on Negroes.
23 April

To Ballance Due to the Publick £347:16:4

| | | |
|--|---|--|
| L. H. J. C ^r Lib. No. 45 | By Charges on John Warrins Bills of the 10 th July on Thomas and William Martin of Bristol as p your account Currant 1733 £65 at halfe p Cent C ^r omitted in the Last Ballance Due.... | } o.. 6.. 6 <u>347.. 9..10</u> <u>£347..16.. 4</u> |
|--|---|--|

The Two above Accounts are True Copys Taken from the Originals past by Col Sam^l Young Late Treasurer of the Western Shore Dated the 24th March 1735

Test Richard Dorsey C^t Committee

And the following Report

By the Committee of Accounts 20th of May 1737

Your Committee having Inspected the State of the within Accounts and the Several Vouchers relateing thereto produced by M^r Samuel Young Esq^r Late Treasurer of the Western Shore of the Province of Maryland doe find the Ballances due upon the Different Dutys there mentioned to be as they are there Stated all which is Submitted to the Consideration of the Lower House of Assembly

Signed p order Richard Dorsey C^t Committee Accounts

The House Adjourns until Monday Morning at 9 of the Clock.

May 23

Monday Morning May 23d 1737

The House met according to Adjournment &c^a

M^r Philip Hammond added to the Committee of this House Appointed to Enquire into the former Method of Appointing Treasurers.

The Bill Entituled a Supplementary Act to the Act Entituled an Act for Erecting a Town in Kent County on the South Side of Sassafra river on a Tract of Land Called Tolechester at the place where the ferry is now Kept.

Read the first time and ordered to Lye on the Table.

The House Adjourns until 2 of the Clock in the Afternoon

Post Merediem The House met according to Adjournment &c^a

An Ingrossed Bill Entituled an Act for Secureing the rights and Inheritance of Sundry persons to the lotts by them taken up paid for and built upon in Leonard Town in S^t Marys County

And an Ingrossed Bill Entituled an Act to Dock the Entail of a
p. 714 Tract of Land Called Wilsons Grove in the County of Ann Arundell and Vesting the same in Lewis Duvall in fee Simple and for Settling

Other Lands and Tenements to the same uses read and Assented to and sent to the Up^r House with the Paper Bills by M^r Tench Francis and M^r Pemberton

L. H. J.
Lib. No. 45

A Bill Entituled a Supplementary Act to the Act Entituled an Act for the Application of such Intestates estates as leave no Legal representatives and for forcing proceedings against Timerary Administrators read the first time and Ordered to Lye on the Table.

George Plater Esq^r from the Up^r House Delivers M^r Speaker the following Message. (See page 20.)

And the following Address to his Majesty. (See page 26.)

And the following Address to His Royal Highness the Prince of Wales (See page 27.)

p. 715

Cot Mackall Delivers M^r Speaker the following Report.

By the Committee Appointed to Search the Journals and make Enquirey into the former manner of Appointing Treasurers May 23^d 1737, Viz.

Cot John Mackall

M^r Philip Hammond

M^r William Stoughton

M^r Tench Francis.

Who make Choice of Cot John Mackall Chairman and Thomas Lynn their Clerk.

We your Committee upon Enquiry find that few of the Journals of this House until the Year 1693 have been preserved.

Upon Examining those few Journals we Cannot find any Transaction about appointing Treasurers.

We find that on the 17th of August 1695 the Lower House of Assembly Appointed a Treasurer on Each Shore of this Province without any Concurrence of the Governour or Council that Appears.

We find that from the time of such Appointment hitherto upon Vacancy's the Lower House of Assembly have Nominated all Publick Treasurers to receive the money of the Province and have recommended them to the Upper House of Assembly for their Concurrence in such Nomination and that such Nomination and Concurrence Obtained have been the only Authorities Appearing in the Journals of this House under which such Treasurers have acted since the first mentioned Appointments and Submit the Same to the Consideration of the House.

Signed p order of the Committee Tho^s Lynn

Michael Howard Esq^r from the Up^r House Delivers M^r Speaker the Bill Entituled an Act to Encourage the Apprehending some felons and for trying Accessories to felonies &c^a Indorsed (See page 20) which Bill was here read and passed for Ingrossing.

L. H. J. Philip Lee Esq^r from the Upper House Delivers M^r Speaker the
Lib. No. 45 Bill Entituled a Supplementary Act to the Act Entituled the Acts
p. 716 for the relief of Debtors and ascertaining the mann^r of Tenders
In Tobacco Indorsed read the second time and will pass provided
the Continuance hereof be for three Years which Bill was here read
and passed for Ingrossing.

Cot Hooper and M^r Hammond sent to the Up^r House with the
following Message (See page 21.)

The House Adjourns untill to morrow Morning at 9 of the Clock

May 24

Tuesday morning May 24th 1737

The House met according to Adjournment &c.

The Bill Entituled a Supplementary Act to the Act Entituled an
Act for the Application of Such Intestates as leave no Legal repre-
sentative &c^a

Read the Second time and will not pass.

The Bill Entituled a Supplementary act to the Act Entituled an
Act for Erecting a Town in Kent County on the South Side of
Sassafras &c read the second time and will pass which Bill was Sent
to the Upper House by M^r Kennard and M^r Wilson.

A Bill Entituled an Act Impowering the Justices of Prince Georges
County to Levy on the Taxable Inhabitants of Queen Ann Parish
in the said County the Sum of £250 Current mony of Maryland for
the uses therein mentioned read the first time and ordered to Lye
on the Table.

The Address to the Kings most Excellent Majesty and the Address
to His Royal Highness the Prince of Wales Sent Here from the
Up^r House by George Plater Esq^r were Approved and Sent to the
Upper House with the following Message by M^r George and M^r
Richard Francis. (See page 21.)

A Bill Entituled a Supplementary Act to the Act for Erecting a
Town at Joppa in Baltemore County read the first time and ordered
to Lye on the Table.

p. 717 An Ingrossed Bill Entituled an Act Empowering the Justices of
Cecil County Court to Levy on The Taxable Inhabitants of S^t
Stephens North Sassafras Parish the Sum of £280 Current money
of Maryland at two Equal Assessments and the Ingrossed Bill En-
tituled an Act to Impower the Justices of S^t Marys County Court to
purchase Land whereon to build a Prison Severally read and assented
to and sent to the Upper House with the paper Bills by Cot Hooper
and M^r Goldsborough.

Cot Hammond from the Upper House Delivers M^r Speaker an
Ingrossed Bill Entituled a Supplementary Act to the Act Entituled
an Act for the more Effectual Punishment of Negroes and Other

Slaves and for takeing away the Benefit of Clergy from Certain Offenders and to an Act Entituled an Act to prevent the Tumultuous and Other Irregularities of Negroes and Other Slaves and directing the manner of trying Slaves and the Paper Bill thereof Indorsed, by the Upper House of Assembly

L. H. J.
Lib. No. 45

May 20th 1737 read and passed for Ingrossing. The Ingrossed Bill was here read and Assented to. The Paper Bill Indorsed. The Ingrossed Bill whereof this is the Original is read and assented to by this House was Sent to the Upper House by M^r Magruder and M^r Courts.

M^r Denton Delivers to the Clerk a Bond Executed by William Rogers payable to Co^t Hammond Treasurer of the Western Shore for the use of the Province of Maryland in the pennalty of £100 Conditioned for the payment of £50:0:0 which was ordered to be Delivered to Co^t Hammond by the Clerk.

The House Adjourns untill 2 of the Clock in the Afternoon

Post Merediem. The House met According to Adjournment &c.

A Bill Entituled a Supplementary Act to the Act for Erecting a Town at Joppa in Baltemore County read the Second time by an Especial order and will pass which Bill was Sent to the Up^r House by M^r Mathews & M^r Sheredine

The Bill Entituled an Act for the relief of William Torver of London Merchant Read the second time and passed and Sent to the Upper House by M^r Stoughton and M^r Magruder.

The Bill Entituled an Act Empowering the Justices of Prince Georges County To Levy on the Taxable Inhabitants of Queen Ann Parish in the said County the Sum of £250 Current money of Maryland for the uses therein mentioned Read the Second time and will not pass.

The House Adjourns until to morrow Morning at 9 of the Clock.

Wednesday morning May 25th 1737.

May 25

The House met according to Adjournment &c^a

M^r Smith from the Committee of Elections and Priviledges Delivers M^r Speaker The following Report.

By the Committee of Elections and Priviledges 18th May 1737

Your Committee having Examined the Writ; and the Indentures of M^r Grundy Pemberton a Member returned from Queen Anns County to Serve this Session Doe find him duly Elected

Signed p order James Warrin Cl Committee

L. H. J. James Holliday Esq^r from the Upper House Delivers M^r Speaker
 Lib. No. 45 The Bill Entituled an Act for the relief of William Torver of London
 Merchant Indorsed by the Upper House of Assembly 25th May 1737
 read the second time and will pass the word *all* being Incerted in
 the Last line of the first page between the words *of* and *the*

Signed p order J Ross Cl Up^r House

Which Bill was here read and with the amendments passed for
 Ingrossing

p. 718 Edmund Jenings Esq^r from the Upper House Delivers M^r Speaker
 the Bill Entituled a Supplementary Act to the Act Entituled an Act
 for Erecting a Town at Joppa in Baltimore County Indorsed 25th
 May 1737 read the second time and will pass which Bill here Read
 and passed for Ingrossing.

George Plater Esq^r from the Upper House Delivers M^r Speaker
 a Supplementary Bill to the Act Entituled an Act for Erecting a
 Town in Kent County on the South Side of Sassafras River &^{ca}
 Indorsed read the second time and will pass which Bill here read and
 passed for Ingrossing.

A Bill to Cut of the Entail of Two Acres of Land part of a Tract
 Called New Years Gift read first and Second time by Especial order
 and passed Sent to the Up^r Ho. by M^r Denton & M^r Wright

Col Hooper and Col Hanson sent to Acquaint the Governour this
 House hath prepared an Address to him and desires to Know when
 and where he will receive it, they return and Acquaint M^r Speaker
 the Governour will be ready to receive it in halfe an hours time in the
 Conference Chamber.

An Ingrossed Bill Entituled an Act to Encourage the Apprehend-
 ing some felons and for trying Accessarys to felonys by them Com-
 mitted before Conviction of the Principals was read and Assented to.

And an Ingrossed Bill Entituled a Supplementary Act to the Acts
 Entituled the Acts for the relief of Debtors and ascertaining the
 manner of Tenders in Tobacco was read and Assented to both which
 Ingrossed Bills with the Paper Bills Sent to the Upper House by Col
 Hanson and M^r Stoddert.

Ordered that a Bill reviving the Act for relief of Debtors be
 brought in

Michael Howard Esq^r from the Up^r House Delivers M^r Speaker
 the following Message. (See page 24.)

Ordered that a Bill be brought in accordingly.

The House Adjourns until 2 of the Clock in the afternoon

Post Merediem. The House met according to Adjournment &c^a
 Col Mackall and 11 more Sent to present the Address to the
 Governor

An Ingrossed Bill Entituled an Act for the relief of William L. H. J.
Torver of London merchant read and assented to and sent to the Lib. No. 45
Upper House with the Paper Bill by M^r Stoughton and M^r Kennard.

Cot Gale from the Committee appointed to Enquire into the State of the Office for Emitting Bills of Credit Delivers M^r Speaker the following Report. (See page 29.)

Which Report the House Concurred with and ordered the Clerk p. 719
of This House record the same for which he is to be allowed in the next Journal of Accounts.

A Bill Entituled an Act to revive an Act Entituled an Act for the relief of Prisoners for Debt was read the first and Second time by Especial order and passed and Sent to the Upp^r House by M^r Golds- p. 720
borough and M^r Tilghman.

And The Paper Bill Entituled a Supplementary Act to the Acts Entituled the Acts for The relief of Debtors and ascertaining the manner of Tenders in Tobacco.

Cot King from the Committee of Accounts brought in the Journal of Accounts which was read and Assented to and sent to the Upper House by the Committee of Accounts.

A Bill Entituled an Act for Takeing out of the Office of the Commissioners or Trustees for Emitting the Bills of Credit the Sums herein mentioned and for repaying the Same into the said Office by Several Treasurers of this Province was read the first time and ordered to Lye on The Table.

The House Adjourns until to morrow morning at 9 of the Clock.

Thursday morning May 26th 1737

May 26

The House met according to Adjournment &c^a

An Ingrossed Bill Entituled a Supplementary Act to the Act Entituled an Act for Erecting a Town in Kent County on the South side of Sassafras River on a Tract of Land Called Tolechester at the place where the ferry is now Kept.

And an Ingrossed Bill Entituled a Supplementary Act for Erecting a Town at Joppa in Baltimore County were Severally read and Assented to and Sent with the Paper Bills to the Upper House by M^r Sheredine and M^r Kennard.

James Holliday Esq^r from the Upper House Delivers M^r Speaker the following Message. (See page 26.)

And The Address to his most Excellent Majesty and The Address to His Royal Highness the Prince of Wales both Ingrossed and signed by the Governour and President of the Upper House of Assembly both which Addresses were Signed by M^r Speaker and sent to the upper House with the following Message. (See page 27.)

L. H. J. Sent to the Upper House by Col Hanson and M^r Hawkins.
 Lib. No. 45 George Plater Esq^r from the Up^r House Delivers M^r Speaker the
 p. 721 Bill Entituled An Act to revive an Act Entituled an Act for the
 Relief of Prisoners for Debt Indorsed by the Upper House of
 Assembly 26th May 1737 read the Second time and will not pass
 Signed p order J Ross Cl Up^r House

Michael Howard Esq^r from the Upper House Delivers M^r Speaker
 the Bill Entituled an Act to Cut off the Entail of Two Acres of Land
 part of a Tract of Land Called New Years Gift Indorsed by the
 Upper House of Assembly May 26th 1737 read the second time and
 will pass

Signed p order J Ross Cl Up^r House

which Bill was here read and passed for Ingrossing.

Philip Lee Esq^r from the Upper House Delivers the following
 Message (See page 28.)

The House Adjourns until 2 of the Clock in the afternoon.

Post Merediem. The House met According to Adjournment &c.

An Ingrossed Bill Entituled an Act to Cut off the Entail of two
 Acres of Land part of a Tract Called New years gift read and as-
 sented to and Sent to the Upper House by M^r Denton and M^r War-
 field.

The House Adjourns untill to morrow morning at 9 of the Clock

May 27

Friday Morning May 27th 1737.

The House met according to Adjournment &c. all present Except
 M^r Magruder.

The following Message. (See page 32.)

p. 722 Sent to the Upper House by the Committee of Accounts

A Supplementary act to the Act Entituled an Act for the Speedy
 and more Effectual publication of the Laws of this Province and for
 the Encouragement of William Parks Printer was read the first
 and second time by an Especial order and will pass Sent to the Upper
 House by M^r Johnson and M^r Wilson

M^r Smith from the Committee appointed to Enquire into the State
 and Condition of the Arms and ammunition &c. Delivers the fol-
 lowing report.

27th May 1737.

We The Committee Appointed by the Lower House of Assembly
 to Enquire into The State and Condition of the Arms and ammuni-
 tion of this Province now in the City of Annapolis have viewed and

Inspected the Quality and Quantity of the Same which we find as follows (Ss^t). L. H. J.
Lib. No. 45

| | |
|--|--------------|
| In the Room over the Conference Chamber | Ninety three |
| Musketts fit for use | 93 |
| forty two Short Musketts with Bayonetts Belts & Cartouch | |
| boxes | 42 |
| Nine good Carbines | 9 |
| Ten good Drums | 10 |
| One hundred and Seven Unfixt Musketts and Carbines..... | 107 |
| forty one Barrills with Shott some not full | |
| One Third of a Barrill of flints | |
| About three Chests of Matches | |
| About five hundred w ^t of Lead | |
| forty one Sword and Carbine Belts | |
| A parcel Sword Hilts and Scabbards in a Chest | |
| One Box of Parchment for Drum heads | |
| One whole and two Broken Trumpets | |

p. 723

And your Committee are Informed by M^r Onorio Razolini the Armour who was present with them on the said Enquiry that one good Musket one hundred and five good Carbines one hundred ninety and three Pistols and Seven unfixt Muskets and Carbines being Such Arms and Accoutrements as are now wanting to Compleat the Sums in the above mentioned room as they were reported last year have been dispersed and sent to Several parts of the Province by order of his Excellency the Governour.

Your Committee find in the powder House Sixty Six halfe Barrills and Seven Quarter Barrells of powder.

And your Committee having viewed the Arms in the Council Chamber which (being fixt there) they find in the same order and Quantity as they were reported last Year, but that those in thé Circle want Cleaning.

Your Committee further report that the Accounts for arms and amunition have not yet been laid before them all which we reffer to the Consideration of the House.

Signed p order the Committee. John Gibson Cl^k

Which was read and referred for Consideration the next Session. Col Hammond from the Upper House Delivers M^r Speaker the following Message (See page 33.)

The House Adjourns untill two of the Clock in the afternoon

Post Merediem. The House met according to Adjournment &c^a
The following Message. (See page 34.)

L. H. J. Sent to the Upper House with the Journal of Accounts by the
 Lib. No. 45 Committee of Accounts
 p. 724

George Plater Esq^r from the Upper House Delivers M^r Speaker the paper Bill Entituled an Act to Cut off the Entail of two acres of Land part of a Tract Called new Years gift. The Paper Bill Entituled an Act to Encourage the Apprehending some felons and for trying Accessarys to Felonys by them Committed.

The Paper Bill Entituled an Act to Dock the Entail of a Tract of Land Called Wilsons Grove in the County of Ann Arundell and vesting the same in Lewis Duvall in fee Simple and for Settling Other Lands and Tenements to the Same uses.

The Paper Bill for the further Explaining and Carrying into Execution an Act for laying out and Applying £3500 Current money of Maryland to the uses therein mentioned, The Paper Bill Entituled an Act for Erecting a Town in Kent County on the South Side of Sassafras &c^a

The Paper Bill Entituled a Supplementary Act to the Act for Erecting a Town at Joppa in Baltimore County. The Paper Bill Entituled an Act for the relief of William Torver of London Merchant.

The Paper Bill Entituled an Act to empower the Justices of S^t Mary's County Court to purchase Land whereon to build a Prison.

The Paper Bill Entituled an Act Empowering the Justices of Cecil County Court to Levy on the Taxable Inhabitants of S^t Stephens North Sassafras Parish &c.

The Paper Bill Entituled an Act for secureing the rights and Inheritance of Sundry persons to the lotts by them Taken up paid for and Built upon in Leonard Town in S^t Marys County. And the Paper Bill Entituled an Act for the more Effectual Punishment of Certain Offenders and for Takeing from them the Benefit of Clergy Severally Indorsed by the Upper House of Assembly

The Ingrossed Bill whereof this is the Original is read and assented to.

Philip Lee Esq^r from the Upper House Delivers M^r Speaker the Supplementary Bill to the Act for the Speedy and more Effectual Publication of the Laws of this Province and for the Encouragement of William Parks of the City of Annapolis Printer Indorsed by the Upper House of Assembly 27th May 1737 read the first and second time by Especial order and will pass which Bill was here read and passed for Ingrossing.

The Following Message (See page 35.)

p. 725 Col Hammond from the Upper House Delivers the following Message. (See page 34.)

And the Journal of Accounts.

M^r Sheredine hath Leave to go home

The House Adjourns until to morrow morning at 9 of the Clock

Saturday morning May the 28th 1737

L. H. J.
Lib. No. 45
May 28

The House met according to Adjournment &c^a

All Appeared Except M^r Sheredine and M^r Hammond.

An Ingrossed Bill Entituled a Supplementary Act to the Act Entituled an Act for the Speedy and more Effectual Publication of of the Laws of this Province and for the Encouragement of William Parks of the City of Annapolis Printer read and Assented to and Sent to the Upper House with the Paper Bill by M^r Moale.

The House proceeded to Tax the Private Bill Entituled an Act for the relief of William Torver of London Merchant

To the Honourable Speaker £2:0:0

To the Clerk 1:0:0

The Bill Entituled an Act to Dock the Entail of a Tract of Land p. 726 Called Wilsons Grove in the County of Ann Arundel and Vesting the same in Lewis Duvall &c^a

To The Honourable Speaker £2-0-0

To the Clerk 1-0-0

James Hollyday Esq^r from the Upper House Delivers M^r Speaker the Paper Bill Entituled a Supplementary Act to the Act for the Speedy and more Effectual Publication of the Laws of this Province and for the Encouragement of William Parks of the City of Annapolis, and the Bill Entituled a Supplementary act to the Act Entituled the Acts for the relief of Debtors and ascertaining the manner of Tenders in Tobacco Severally Indorsed

The Ingrossed Bill whereof this is the Original is read and Assented to by the Upper House.

The Question was put that the fifty pound allowed to Co^t Gale in the Journal of Accounts be Struck out resolved in the Affirmative

For the Affirmative

| | | |
|------------------------|-----------------------------|---------------------------|
| M ^r Waughop | M ^r Edmundson | M ^r Brown |
| M ^r Kennard | Co ^t Dashiel | M ^r Johnson |
| M ^r Hall | M ^r Goldsborough | M ^r George |
| M ^r Mackall | M ^r Needles | Capt. Gordon |
| Co ^t Hanson | M ^r T. Francis | M ^r R. Francis |
| Co ^t King | Co ^t Hooper | M ^r Elliot |
| | M ^r Trippe | M ^r Wright |
| | M ^r Woolford | M ^r Pemberton |

For the Negative

| | | |
|-------------------------|--------------------------|-------------------------|
| M ^r Jourdan | M ^r Smith | M ^r Moale |
| M ^r Wilson | M ^r Courts | M ^r Mathews |
| M ^r Denton | M ^r Middleton | M ^r Sprigg |
| M ^r Warfield | M ^r Hawkins | M ^r Stoddert |
| M ^r Dulany | M ^r Stoughton | M ^r Tilghman |

L. H. J. George Plater Esq^r from the Upper House Delivers M^r Speaker
 Lib. No. 45 the following Message. (See page 36.)

The following Message. (See page 36.)

Sent to the Upper House with the Journal of Accounts by the Committee of Accounts

Mich^l Howard Esq^r from the Upp^r Ho. Delivers M^r Speaker the following Message (See page 36.)

Col Hooper and Captⁿ Trippe Sent to Acquaint the Governour no business lyes before this House.

They return and Acquaint M^r Speaker they Delivered the Message

Benjamin Tasker Esq^r from the Up^r House Acquaints M^r Speaker the Governour requires him and the rest of the members of the Lower House of Assembly to attend him Immediately in the Council Chamber.

M^r Speaker and the rest of the Members of This House went to the Council Chamber.

p. 727 M^r Speaker presented to the Governour the following Ingrossed Bills. (See page 37.)

All which the Governour Passed in Laws by Sealing them with the Lord Proprietor of this Province his greater Seal at Arms and Signing them in the following manner.

On Behalfe of the Right Honourable the Lord Proprietary of This Province,

I will this be a Law.

Sam Ogle

The Governour made the following Speech (See page 38.)

Thus Endeth The Third Session of this Assembly begun and Held at the City of Annapolis the Twenty Sixth Day of April, and Ending the 28th Day of May Anno Dom 1737 in the Ninth year of his Majesties Reign and in the 23rd year of his Lordships Dominion

Test M Macnemara Cl Lower House.

ACTS

At a Session of Assembly, begun and held at the City of Anapolis, the 26th Day of April, in the twenty third Year of the Dominion of the Right Honourable Charles, absolute Lord and Proprietary of the Provinces of Maryland and Avalon, Lord Baron of Baltimore, &c. Anno Domini 1737, and ended the 28th Day of May, following. The following Laws were Enacted & assented to by his Excellency Samuel Ogle, Esq; Governor.

An Act for the further Explaining & Carrying into Execution An Act for Laying out and aplying three Thousand five Hundred Pounds Current Money of Maryland to the uses therein mentioned.

Chap. I
p. 169
Lib. B. L. C.

Whereas by an Act Entituled an Act for the Explaining and Carrying into Execution An Act Entituled an Act for laying out & applying three Thousand five Hundred Pounds Current money of Maryland to the uses therein mentioned the Honourable Samuel Ogle Esq^r was Impowered and Authorized to Purchase Convenient Ground for the Purposes in the said Act mentioned within the City of Annapolis in the Lands Contiguous & Adjacent to the said City So that the said Grounds so to be purchased be within the Fence or Inclosure or now Esteemed & taken to be the Fence or Inclosure of the said City And Whereas it may be judged proper to purchase for the Purposes of the said Recited Act some Land without the said Fence & Inclosure of the said City of Annapolis

Be it therefore Enacted by the Right Honourable the Lord Prop^{ty} by and with the Advice & Consent of his Lordships Governour and the Upper and Lower Houses of Assembly and the Authority of the same that the said Samuel Ogle Esq^r be and the said Samuel Ogle is hereby Impowered and Authorized to Purchase for the use of the Publick and the Building a Dwelling House Out houses and Other Conveniences for the Residence of the Governour of this Province for the Time being not only any Land or Ground which may be or Esteemed to be within the Fence of the said City of Annapolis not Exceeding four Lotts But also any Land or Ground without the said Fence or Inclosure which shall be Adjoining & Contiguous to such Land which shall be Purchased within the said Fence or Inclosure not Including in the Whole above the Quantity of one Hundred & fifty acres and that the Sum or Sums of money which shall be agreed to be paid for the said Purchase or Purchases shall be Allowed out of the three thousand Pounds already appropriated for the uses in

the said Act mentioned Provided Always that in Case it shall happen that the said Samuel Ogle shall be Inforced to purchase a Greater Quantity of Land without the Fence or Inclosure of the said City then Eight Acres then and in such Case no more shall be Inclosed for Gardens Orchards or any other Improvements to the said Intended House Belonging than Eight Acres so that the Country may not hereafter be Liable or put to the Expense of Keeping up or Repairing the Inclosure or Pailing of more than Eight Acres Provided that the rest of the Land so to be purchased Besides the said Eight acres without The Town shall belong to the Publick and Subject to be disposed off as such

Chap. II An Act for the more Effectual Punishment of Certain Offenders and
p. 170 for taking from them the Benefit of Clergy.

Forasmuch As all the Laws heretofore made for the Punishment of Offenders and for Securing honest Men in their Just Property are found by Experience to be Insufficient for those Purposes and that the Poorer Sort of People who are obliged for want of Better Conveniences to keep their Goods in Tobacco Houses and other Out Houses are more Exposed to be Pillaged and Robbed of Their Substance than Persons of Greater Ability and that Considerable Part of the Property of People of all Conditions Are kept in Out Houses not only remote from their Dwelling houses but also very Weak in themselves and easily Broken which hath given frequent Oppertunitys to Offenders to break into such Houses and to Steal from thence Divers Goods and Chattels to the utter undoing of of Some Poor Persons and the Prejudice of all Sufferers And Whereas Several Offenders have Stolen Boats and other Vessels and Even Slaves which Practice is of the most Dangerous Tendency and may if not Timely Prevented, Occasion Piracys and all manner of Villainys and that Offenders have been Encouraged to Committ the said Crimes by the Lenity of our Laws, and Expectation of having the Benefit of Clergy, when Detected

for the more Effectual Prevention of which Crimes and Punishment of such Offenders as shall commit Any of them Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour and the Upper and Lower Houses of Assembly and the Authority of the Same that any Person or Persons who shall after the tenth Day of September Next Break any Tobacco House Or other Out Houses whatsoever and Steal from thence any Goods or Chattles to the Value of five Shillings Sterling or who shall Councill hire Command Aid or Abet any Person or Persons to Commit the said Offences or who Shall be Accessarys to any of the said Offences and be thereof Convict by Confession upon his or their Arraignment Verdict of a Jury or be Out Lawed or who shall Obstinateley or of Malice stand Mute

or Peremptorily Challenge above twenty shall suffer Death as a felon or Felons without Benefit of Clergy

Provided Always That such Tobacco House or Other Out Houses shall be well Boarded or Otherwise Substantially built and the Door or Doors thereof secured with a Lock or Locks or bolted in the inside or Nailed.

And be it likewise Enacted, by the Authority Advice and Consent af^d that any Person or Persons who after the said tenth Day of September shall Steal any Ship, Sloop, or other Vessell whatsoever out of any Place within the Body of Any County within this Province of Seventeen foot or upwards by the Keel and shall Carry the same ten Miles or Upwards from the Place whence it shall be Stolen or shall Steal any Negro or other Slave or who shall Councill hire Aid Abet or Command any Person or Persons to Commit the said Offences or Who shall be Accessarys to the said Offences and shall be thereof Legally Convicted as aforesaid or Out lawed or who shall Obstinatey or of Mallice stand Mute or Peremptorily Challenge above twenty shall Suffer Death as a Felon or Felons and be Excluded the Benefit of Clergy

Provided Always that when and as Often as any Slave or Slaves shall be Convict for any Offence Contrary to this or Any other Law and shall be Actually Executed or who shall Die after Condemnation and under Confinement in Order for Execution that the Owner shall be paid the full Value of such Slave or Slaves such Value to be Adjudged by the Court before whom the Fact Shall be tried at the time of the Condemnation of Such Slave or Slaves

And be it further Enacted that the Treasurer or Treasurers of this Province for the time being upon a Certificate from the Sheriff of the Execution of Any Such Slave or Slaves or the Death of such Slave or Slaves after Conviction and under Confinement in order for Execution Immediately shall Pay the Owner or Owners of such Slave or Slaves what such Slave shall be Valued at as aforesaid out of the Publick Stock of this Province in the Hands of such Treasurer or Treasurers without Fee or Reward.

This Act to Continue three Years and to the End of the next Session of Assembly Which shall happen after the End of the said three Years.

An Act for Docking the Intail of a Tract of Land Called Wilsons Chap. III
 Grove in the County of Ann Arundell and Vesting the same in P. 171
 Lewis Duvall In fee Simple and for Settling other Lands and Tenements to the Same Uses.

Whereas William Jones late of Ann Arundell County Deceased was in his Life time Seized In fee Simple of two hundred Acres of Land Called Wilsons Grove with the Appurtenances lying & being in the County af^d between the heads of South & Severn Rivers and

so being thereof Seized Did by his Deed in Writeing bearing Date the Seventeenth Day of August Anno Domini Sixteen hundred Eighty & five Duely made Executed & Recorded Convey the same Land unto John Duvall late of the same County Decēd who Inter-married with Elizabeth the Daughter of the said William Jones & to the heirs of the Body of the said Elizabeth by the said John Duvall Lawfully to be begotten & for want of such Issue then to the use & behoof of the heirs of the Body of the said Elizabeth Lawfully to be begotten & in Case of Default or want of such Issue then to the use & behoof of the right heirs of the said William Jones for ever And Whereas the said John Duvall Dyed Intestate Leaving Issue three sons & four Daughters Viz: Lewis Samuel and Alexander Duvall Elizabeth now the wife of John Gaither Sarah now the wife of Samuel Farmer Comfort now the wife of William Griffith & Rachel now the wife of William Waters whereby the said Two hundred Acres of Land Vested in the said Lewis Duvall as son & heir to the said John Duvall Deceased And Whereas the said two hundred Acres of Land is now near all Cut Downe and the Buildings thereon Old & Decay'd and not more than about thirty or forty Acres of Wood Land Ground belonging to the said Tract & but a small Part of the timber thereon fit for Clap boards whereby the said Lewis Duvall has been Obliged for the Support of himself & family amongst whom are many small Children to remove therefrom & Settle upon other Fresh Lands better Suited to his necessitous Circumstances And Whereas the said Lewis Duvall is & Stands Seized in fee Simple of & in a Certain Tract or Parcell of Land Called Pretty Land lying in the County af^d & granted unto the said Lewis the tenth Day of June Seventeen hundred thirty & four for fifty Acres as also of & in another Tract or Parcell of Land Called the Addition lying & Adjoyning to the said Tract last mentioned & granted unto the said Lewis the Same Day & Year last mentioned for one hundred Acres as also of & in another Tract or Parcell of Land Called Grimetts Chance lying & Adjoyning to the said two Tracts last mentioned or one of them & Granted on the third Day of February Seventeen hundred twenty & Eight for one hundred Acres unto a Certain Thomas Worthington who by Deed Duely made Executed & Recorded bearing Date the thirty

p. 172 first Day of March Seventeen hundred thirty & Seven Conveyed the Same to the said Lewis Duvall which said Severall & respective three Tracts of Land last mentioned are mostly Woodland & Adjoyning as af^d with some Improvements thereon which he the said Lewis Duvall is willing to Settle to the uses of the said Intailed Land so as that the fee Simple Estate of the said Intailed Land may be Confirmed to him whereby the s^d Lewis & his family may hereafter be Comfortably Subsisted all which Appears very Just & Reasonable. And Forasmuch as it has been Certified to this Assembly by

the Parties Concerned in the right of the said Intailed Land Called Wilsons Grove That they are very Willing & Desirous that the Intail of the said Land should be Dockt And an Estate in fee Simple therein Vested in the said Lewis Duvall & that the other three Tracts aforementioned should be Entailed to the same uses instead thereof It is therefore Humbly Prayed that it may be Enacted,

And be it Enacted by the Right Honourable the Lord Proprietary by And with the Advice and Consent of his Lordships Governour And the Upper & Lower Houses of Assembly And the Authority of the same That all that Tract or Parcell of Land Called Wilsons Grove so as af^d Conveyed unto the said John Duvall & Elizabeth his wife And to the heirs of the Body of the said Elizabeth by the said John Duvall Lawfully to be begotten & whereof the said John Duvall Dyed Seized as af^d with all & Singular the Appurtenances thereunto belonging be & are hereby Vested in the said Lewis Duvall his heirs & Assigns to the only use & behoof of the said Lewis Duvall his heirs & Assignes forever And he the said Lewis Duvall his heirs & assignes shall hold the same freed & Discharged from all the Limitations in the said Deed of the said William Jones to the said John Duvall & Elizabeth his Wife Contained And that the af^d Severall & Respective Tracts of Land Called Pretty Land the Addition & Grimetts Chance with the Severall Appertenenances Thereunto belonging lying in Ann Arundell County af^d & Adjoyning as af^d be & are hereby Vested in the said Lewis Duvall & his heirs & the heirs of the Body of the said Elizabeth by the said John Duvall Lawfully begotten & for want of such Issue then to the use & behoof of the heirs of the body of the said Elizabeth Lawfully begotten & in Case of Default or want of such Issue then in the right heirs of the said William Jones for Ever And that all & Every Person or Persons whatsoever who by the Deed last mentioned might have Claimed the said first mentioned Intailed Land (now Vested in the said Lewis Duvall) by Virtue of the Limitations in the said Last mentioned Deed Contained shall for ever hereafter hold & Enjoy all & Singular the said last Mentioned Severall & Respective three Tracts of Land Called Pretty Land the Addition & Grimetts Chance & Premises with the Appurtenances thereunto belonging Successively one after another as they might have Claimed & held the said Intailed Land if this Act had never been made Saveing to his Lordship the Right Honourable the Lord Prop^{ty} his heirs & Successors & to all & Every other Person or Persons Bodies Politick & Corporate their Respective heirs and Successors all such right Title Estate Interest Claim & Demand other than the Persons Claiming under the Deed af^d from the said William Jones to the said John Duvall & Elizabeth his Wife as they every or Any of them should or might Claim if this Act had never been made Any thing herein Contained to the Contrary thereof in Any wise notwithstanding.

- Chap. IV An Act for Securing the Rights & Inheritance of Sundry Persons to
 p. 173 the Lotts By them taken up Paid for and built upon in Leonard Town in Saint Marys County.

Whereas the Proceedings of the Commissioners Appointed by An Act Entituled an Act for the Laying Out of Land & Erecting a Town in Saint Marys County at A Place formerly Called Seymour Town for laying Out the Town af^d is by the Negligence of their Clerk but very lately recorded Among the Records of the Same County Court whereby the rights of many Persons who have paid for & really Built on Several Lotts by them Taken up may hereafter be Controverted And Whereas it is but reasonable that those Persons who have Done as the Law af^d did Direct Should be Secured in the Enjoyment of a fee Simple in the Lotts by them as af^d taken up paid for & Built upon Be it therefore Enacted by the Right Honourable the Lord Prop^r by and with the Advice and Consent of his Lordships Governour & the Upper & Lower Houses of Assembly & the Authority of the Same that the Proceedings of the Commissioners af^d Signed by them or the Major Part of them which are lately Recorded in the Records of the Same County Court shall be Deemed as Good and Valid to all Intents & Purposes & the Several Persons who did Conform to the Directions of the said Act during its Continuance shall have an Estate of Inheritance in the Several Lotts by them Taken up paid for and built on as fully & Effectually as if the same Proceedings had been Entered & Recorded Among the Records of the same County Court within the Seven years mentioned in the Act of Assembly af^d Any Law Usage or Custom to the Contrary Notwithstanding.

- Chap. V An Act empowering the Justices of Cecil County Court to Levy on
 p. 173 the Taxable Inhabitants of Saint Stevens North Sassafras Parish The Sum of two hundred & Eighty Pounds Current money of Maryland at two Equal Assessments.

Whereas the Vestry & Church Wardens & Principall Inhabitants of the Parish af^d by their Humble Petition to this General Assembly have Set forth that The Tobacco formerly allowed by Act of Assembly for the building a New Church & Chappell in the Parish af^d was not Sufficient for that Purpose And that there is Necessity of An Additionall Sume to be Levyed in Order Decently to finish furnish & Addorn them as also to Pale in a Yeard for the Chappell & further Set forth that the Old Vestry House was very much Decayed & that the Vestry & Church Wardens had An Opportunity of Getting a Brick Vestry House built at a reasonable rate Videlicet for Eleven thousand four hundred & Eighty Pounds of Tobacco which they Contracted for Apprehending they had Tobacco Enough to pay therefore But that it happens they had not & Pray an Act may Pass Impowering the Justices of Cecil County Court to Levey on the Taxable Inhabitants of the Parish af^d the Sum of two hundred &

Eighty Pounds Current money of Maryland at Two Equal Assess- p. 174
ments the Sheriffs Sallary for Collections Included in the said sume
which said Sume of two hundred & Eighty Pounds they Pray may
be Applied as followeth, to witt, the Sume of Ninety five Pounds
thirteen Shillings & four pence to pay for said Vestry House the
Sume of Ninety one Pounds for the use of the Church the Sume of
Eighty Pounds to be Applied & laid out for the use of the said
Chappell & the Sume of thirteen pounds six Shillings & Eight Pence
for the Sheriffs Sallary for Collecting Be it therefore Enacted by
the Right Honourable the Lord Proprietary by & with the Advice
& Consent of his Lordships Governour & the Upper & Lower
Houses of Assembly & the Authority of the Same that the Justices
of Cecil County Court at November Court next shall & are hereby
required to Levey on the Taxable Inhabitants of the said Parish
by Equal Portions the Sume of One hundred & forty Pounds Cur-
rent money of Maryland which said sume of one hundred & forty
pounds shall by the Vestry & Church Wardens be Particularly ap-
plied in Proportion as Prayed to the finishing the new Church &
Chappell & Paleing in a Chappell Yard Save so much thereof as the
Sheriff shall be Allowed for his Collection at five per Cent And that
at November Court which shall be in the Year of Our Lord Seven-
teen hundred & thirty Eight the Justices of said Court shall Levy the
Sum of one Hundred & forty Pounds Current money of Maryland
on the Taxable Inhabitants of said Parish by Equal Portions which
said last Sume of one hundred & forty Pounds shall be Applied in
manner following to wit Ninety five Pounds thirteen Shillings &
four Pence for the Payment of the Vestry House the remainder of
said Sum the Sheriffs Sallary at five per Cent Deducted to be Applied
to the Adorning & finishing the said Church & Chappell in the Same
Proportion as Prayed And be it further Enacted by the Authority
af^d that notwithstanding Any Law now in force the Justices of said
County shall not for the use of said Church or Chappell or upon
the Application of the said Vestry or Church Wardens levy any
further Sume of money on the Taxable Inhabitants of said Parish
in November Court Ensueing nor in November Court Seventeen
hundred & thirty Eight for the use of said Church or Chappell or
any Parochial Charge Save the Sums before Allowed to be Levied.

An Act to Impower the Justices of Saint Marys County Court to Chap. VI
Purchase Land Whereon to build a Prison

Be it Enacted by the Right Honourable the Lord Prop^{ty} by & with
the Advice & Consent of his Lordships Governour & the Upper &
Lower Houses of Assembly & the Authority of the same that the
Justices of the said County Court or the Major Part of them in Court
Sitting are hereby authorized & Empowered to agree for & Purchase
any Quantity of Land not Exceeding Sixty feet in Breadth and p. 175

forty five feet in Length Adjoyning to the West End of the Land whereon the new Court House is to be built upon which to build a Prison and inclose a Yard to it And to rais as much money as shall be Agreed to be given for the Same or it shall be valued at and the other Charges if any Attending the Same by An Equal Assessment upon the Taxable Inhabitants of the Same County And Whereas it may so happen that the Person or Persons interested in the Land whereon the said Prison is Intended to be built may Willfully refuse to make Sale thereof or the Person or Persons so Interested therein through non age or Coverture or Non Sane Memorie or Other impediments or Disability may be unable to Do the Same Be it therefore Enacted by the Authority af^d that the said Justices or the Major Part of them are hereby Authorized by Virtue of this Act to Issue out a Warrant Directed to the Sheriff of Saint Marys County for the time being to Impower him to Impannell & return a Jury of Freeholders to Appear before the said Justices which Jury upon their Oath to be Administred by the s^d Sheriff are to Enquire & Assess such Damages & Recompence as they shall think Sufficient to be Awarded to the Owner or Owners And all Persons Interested according to their Severall & Respective Interest in the said Quantity of Land so by them Valued and what Sum of money the said Justices shall Agree for or the said Jury shall Adjudge the said Land to be worth shall be paid to the said Owners or Persons Interested by the said Justices out of the money so by them to be Levyed which said Quantity of Land so as af^d Agreed for or Valued shall be Surveyed by the Surveyor of the County aforesaid and A Certificate thereof made & returned by the said Surveyor to the Clerk of the af^d to be Entered on the Records thereof as the undoubted bounds of the said Quantity of Land for Ever.

Chap. VII A Supplementary Act To the Act Entituled an Act for the more
 p. 175 Effectual Punishment of Negroes & other Slaves and for Taking
 [Supple- away the Benefit of Clergy from Certain Offenders And to An Act
 ments 1729 Entituled an Act to Prevent the Tumultuous meeting and other
 ch. 24 and Irregularitys of Negroes & Other Slaves and Directing the Man-
 1723 ch. 15. ner of Trying of Slaves.
 Continued
 by 1740 ch.
 7, 1744 ch.
 18 and 1747
 ch. 16]

Whereas the Laws in force for the Punishment of Slaves are found Insufficient to Prevent their Committing very great Crimes & Disorders and that a further Provision is Necessary to keep them in Proper Bounds & Due order & for a more Speedy Method to bring
 p. 176 them to Justice than is Prescribed by the Laws heretofore made Be it therefore Enacted by the Right Honourable the Lord Prop^r by & with the Advice & Consent of his Lordships Governour and the Upper & Lower Houses of Assembly & the Authority of the Same that if any Slave or Slaves shall at any time after the Publication

of this Act Consult Advise or Conspire to Rebel or Raise any Insurrection within this Province or to Murder Or Poison Any Person or Persons whatsoever or to Commit a Rape upon any White Woman or to burn any house or Houses and be thereof Convict by Confession or Verdict shall Suffer Death as in Cases of Felony without Benifit of Clergy And be it further Enacted that any Slave who shall Attempt to burn any Dwelling House or out House Contiguous to or used with Any Dwelling House or any other House wherein there shall be Any Person or Persons or Any Goods Merchandizes Tobacco Indian Corn or Other Grain or Fodder & shall be thereof Convict as aforesaid shall Suffer Death as a Felon without Benefitt of Clergy And be it further Enacted that Every Slave Committing Any of the Felonies herein before mentioned or Any other Offence which may by Law Subject such Slave to the Pains of Death shall be Committed to the Sheriff of the County where the Offence shall be Committed and that at the next Assizes or County Court which shall first Happen to be held for the County where the Offence shall be Committed the Justices of Assize or Either of them or County Court which shall first Happen shall & may by Virtue of this Act Try Every such Offender or Offenders According to Law & upon the Conviction of the Offender or Offenders upon his her or their Voluntary Confession or the Verdict of a Jury upon the Testimony of one or more Legall or Credible Witness or Witnesses or Even the Testimony or Evidence of other Slaves Coroborated with such Pregnant Circumstances as shall Convince & Satisfie the Jury who shall Try the fact of the Guilt of such Slave or Slaves to give Judgment According to the nature & Quality of the Offence And be it Further Enacted that any Slave or Slaves who shall give any false Testimony Against any Slave or Slaves who shall be Prosecuted as aforesaid & shall be thereof Legally Convict shall have one Ear Cut off on the Day of his or her Conviction & receive thirty nine Stripes on the bare back and that the other Ear shall be Cropt the next Day & the Like number of Stripes given the Offender on his or her bare back & to the End that such Slave or Slaves as shall be Produced as a Witness or Witnesses against other Slave or Slaves may be Deterred from Giving false Testimony Be it Enacted that the Justices of Assize or Either of them then Sitting or the Justice of the County Court who shall Preside shall Admonish & Charge such Witness or Witnesses to Declare the truth the whole Truth & nothing but the truth and Acquaint him her or them with the Danger and Consequence of Giving false Testimony And be it further Enacted that when any Slave shall be Condemned to Suffer Death that such slave shall be Valued by the Justices of Assize or Either of them then Present or County Court according to the best of their Knowledge which said whole Value shall be paid by the Treasurer of the Respective Shoare

on which such Execution shall be on the Certificate of such Sherifff out of the Publick Stock of this Province in the hands of such Treasurer without fee or Reward to the Master or Owner of such Slave in Case the said Slave shall be Actually Executed And Be it further Enacted that where any Slave shall be Guilty of Rambling rideing or Going a Broad in the night or rideing Horses in the Day time without Leave or running away it shall & may be Lawfull for the Justices of the County Court & they are hereby Oblidged upon the Application or Complaint of the Master or Owner of such Slave or on the Application or Complaint of Any other Person who shall be any ways Damnified or Injured by such Slave Immediately such Slave to Punish by whipping Cropping or Branding in the Cheek with the Letter R or otherwise not Extending to life or to render p. 177 such Slave unfit for Labour And be it Likewise Enacted that if Any Slave shall happen to be slain for refusing to Surrender him or her self Contrary to Law or in Unlawfull resisting any Officer or other Person Appointed to Apprehend him or her that in Every such Case such slave shall be Valued by two reputable Persons not being of kin to the Master or owner of such Slave upon oath to be Administred to them and to be Appointed by the then nearest Magistrate well and Truly to Value what such Slave was worth to the best of their knowledge without favour or Partiality And that the whole Value of such Slave or Slaves shall be Certified by such Persons to such Magistrate and that the same shall be paid to the Owner or Owners of such Slave or Slaves by the Treasurar of the Respective Shoar of this Province on which the same Death hapned upon a Certificate from the said Magistrate of the Death & Value of such Slave or Slaves out of the Publick Stock of this Province in the hands of such Treasurer without fee or Reward And be it further Enacted that if any free Person shall Entice & Perswade any Slave within this Province to run away and who shall Actually run away from the Master Owner or Overseer and be Convicted thereof by Confession or Verdict of a Jury upon an Indictment or Information shall forfeit & Pay the full Value of such Slave to the Master or Owner of such Slave to be Levied by Execution on the Goods Chattles Lands or Tenements of the Offender & in Case of Inability to pay the same shall Suffer one years Imprisonment without Bail or Mainprize And that if any white Servant shall Intice or Perswade any such Slave to run away and who shall Actually runaway that the Offender shall after the Expiration of his time of Servitude become a Servant to the Master or Owner of such Slave for & During the Term of four years or Satisfie and Pay to the Master or Owner the Value of such Slave to be Adjudged in Either Case at the Tryal by the Court before whom the fact shall be tried & that the fact may be tryed within the County where the Offences shall be Committed or where the Offender or Offenders shall be Taken or Apprehended and

to the End that this Act may be known by all Sorts of Peopele Be it Enacted by the Authority aforesaid that the Several Sheriffs within this Province shall read or Cause this Act to be read at Each of the four County Courts in Every Year during the Continuance of this Act on Pain of forfeiting five pounds Current money for Every Neglect to be recovered as af^d with Cost of Suit by Indictment or Information in the Court of the County where such Neglect shall happen and Applied to Defray the County Charge This Act to Continue for three Years and to the End of the next Session of Assembly which shall happen after the End of the said Three Years.

An Act to Encourage the Apprehending some Fellons and for Trying Chap. VIII
Accessarys to Felonys by them Committed before Conviction of p. 178
the Principals

Whereas William Turner late of Queen Anns County Planter and Edward Turner late of the said County Labourer have in the most daring manner for many years past frequently Committed and do still Continue to Commit within this Province near to the Borders of it Felonies which by the Laws of England and this Province Are and ought to be Punished with Death And Whereas the said William and Edward Stand Indicted for Feloniously Breaking and Entring the Store House of Isaiiah Robinson in Queen Anns County in the same Province And Stealing taking and Bearing away out of the Same House Divers Goods & Chattels of the same Isaiiah of a Considerable Value upon which Indictment many Writs have in Vain issued for their Apprehension And Whereas many Attempts in Divers parts of this Province to take the said Offenders have been rendered Fruitless by their Threatening to kill their Pursuers with Pistols and other Dangerous Weapons with which they always Ride Armed and the Apprehensions of those Pursuers that it may be a Transgression of the Laws to kill the said Offenders in such Attempts to take them which Disparity in favour of the said Offenders will Probably for Ever Enable them to Escape the Punishment Justly due to their Crimes And Whereas it is greatly feared that the Difficulty of Apprehending these Offenders notwithstanding their Publick Appearance in Divers Parts of this Province in the Day time will Encourage Other Persons flying from Justice to Join with them In Committing felonys and Roberies to the Manifest and Apparent Danger of the Lives and Properties of all his Majestys Subjects within this Province for Prevention and remedy thereof Be it Declared and Enacted by the right Honourable the Lord Proprietary by & with the Advice and Consent of his Lordships Governour and the Upper and Lower Houses of Assembly and the Authority of the Same that if Any Person or Persons shall Take & Arrest the said William Turner or Edward Turner and Shall Deliver

them or Either of them to the Goal or Keeper of any Publick Prison within this Province at such Prison and shall make such Delivery Appear to one of the Justices of the Provincial Court of this Province that then the same Justice shall give Such Person or Persons a Certificate of such Delivery Directed to the Publick Treasurer of the Shore where such Justice shall reside by Virtue whereof the said Publick Treasurer shall out of the Publick Treasure of this Province In his hands Pay to such Person or Persons One hundred Pounds Current money of this Province for Each of the Persons so Delivered without fee or reward And be it further Enacted by the Authority Advice and Consent aforesaid that Every Sheriff under Sheriff Goaler or Other Officer who shall have the Care and Keeping of any Publick Prison within this Province to whom the said William Turner or Edward Turner or Either of them may be brought for Delivery as af^d shall without Warrant from any Magistrate take & receive them or Either of them into their Custody and them or Either of them so received shall Safely Detain and keep in their Respective Prison untill they shall be Discharged by due Course of Law and if such Sheriff under Sheriff Goaler or Other Officer shall after Due notice who the Offenders are refuse to take and receive the said William Turner and Edward Turner or Either of them into their Custody aforesaid then such Sheriff under Sheriff Goaler or other Officer so refuseing shall forfeit and Pay one hundred Pounds Current money of this Province For each Person so refused one half thereof to the said Lord Prop^{ty} his heirs and Successors for the Support of Government and the other half to him or them that shall Sue for the Same to be recovered by Action of Debt Bill Plaint or Information in any Court of Record within this Province wherein no Essoyn Protection or Wager of Law to be Allowed And Whereas Several Evil and Wicked Persons well knowing that the said William and Edward Turner have Committed Divers Fellonies as aforesaid Do for Rewards Harbour Entertain and Support the said William and Edward Turner upon Assurance that they Cannot be Convicted as Accessarys without first Attainting the said William and Edward as Principal Offenders which is the Strongest Engagement to Support Protect and Secrete them Be it therefore Enacted by the Authority Advice and Consent aforesaid that if any Person or Persons shall after the thirtieth Day of June next be Accessary after the fact to any Felony by the said William Turner and Edward Turner or Either of them now or hereafter to be Committed it shall and may be Lawfull to Proceed against any Such Accessary or Accessarys in the same Manner as if the Principal Felons had been Attainted thereof and Every such Accessary if he or she be thereof Convicted or shall stand mute or Peremptorily Challenge above the number of twenty Persons returned to Serve of the Jury shall Suffer the same Punishment as he or she should have Suffered if the Princi-

p. 179

pal or Principals had been Attainted Any Law usage or Custom to the Contrary notwithstanding And to the End that all Persons may have due Notice of the Contents of this Law Be it Enacted by the Authority Advice and Consent aforesaid that the Sheriff of Each County within this Province shall Cause the same to be Published at Each of the first four County Courts that shall be held for his County Next after the receipt of this Law for Publication on Pain of forfeiting for Each neglect thereof the sum of ten Pounds Current money To be recovered in the manner aforesaid And to the Uses and Purposes aforesaid.

An Act for the Relief of William Torvor of London Merchant. Chap. IX

Whereas in the Year Seventeen hundred and thirty two Two hundred and thirty Six Hogsheads of Tobacco Laden on board of and Exported out of this Province in a Ship Called the Union of about one hundred and Twenty Tons whereof Peter Dunscombe was Master belonging to the said William Torvor and bound for London which said Ship in her said Voyage Together with all her Cargoe and the said Tobacco was Lost on the Coast of France near Cape La Hague And Whereas at the time of Shipping and Exportation of the said Tobacco the same was by the Laws then in force Charged with Imposts and Dutys Amounting to three shillings and Six pence Sterling per hogshead which said Imposts and Dutys on the said Two hundred and thirty six hogsheads of Tobacco Amounting to forty one Pounds Six Shillings Sterling were duly Paid and Satisfied by one of which said Laws a Liberty was given to the Master Merchant or Owner of such Tobacco which should be lost before the Delivery of Each Ship or Vessell at the Intended Port to Ship at some other time so many Hogsheads of Tobacco as they had formerly paid Impost money for free and Clear of any of the said Impositions And Whereas the said Law Giving the said Liberty is Since Expired and no Allowance or Other Provision has been made to and for the Master Merchant or Owner of the said Ship Union for on Account of all the Dutys and Imposts so Paid for the said two hundred and thirty Six hogsheads of Tobacco so lost as af^d p. 180 And Whereas the said William Torvor is by his Lordships Special Direction to Export the said number of Hogsheads free from the Duty of One Shilling Sterling per hogshead and by the Laws in force free from the Dutys of Sixpence Sterling per hogshead Be it therefore Enacted by the Right Honourable the Lord Proprietary by & with the Advice & Consent of his Lordships Governour and the Upper and Lower Houses of Assembly and the Authority of the Same that in Lieu and Satisfaction of the remaining two shillings ster. Per hogshead Part of the said three Shillings and Six pence Sterling Per Hogshead Paid by the said William Torvor on the said two hundred and thirty six hogsheads of Tobacco it shall

and may be Lawfull to and for the Publick Treasurer of the Western Shore of this Province And he is hereby Ordered and Directed forthwith to pay or Cause to be paid to the said William Torvor or his Agent or Attorney in fact the Sum of forty Seven Pounds four shillings Currency.

Chap. X
[Supple-
ments 1736
ch. 21]

A Supplementary Act to the Act Entituled an Act for Erecting a Town in Kent County on the South Side of Sasafra River on a Tract of Land Called Tolchester at the Place where the Ferry is now kept.

Whereas by the said recited Act Certain Persons were Appointed Commissioners for buying Sixty Acres of Land out of the above mentioned tract Called Tolchester and to Erect the Same into a Town by the name of George Town and for Causing the same to be Surveyed and Divided into One hundred Equal Lotts sometime before the Last Day of December last And Whereas it Appears to this Present Generall Assembly that the said Commissioners have Elapsed the time given by the said Recited Act to do And Perform the Several Requisites therein mentioned by means whereof the said Act is altogether Rendered ineffectual for Remedy whereof it is Prayed that it may be Enacted And be it Enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordships Governour and the Upper and Lower Houses of Assembly and the Authority of the same that the Severall Commissioners Nominated and Appointed by the said Recited Act or the Major part of them are by this Act Impowered to do the Severall matters and things Every way relating thereto in as full and Ample Manner as they might or Could have Done at any time before the Last Day of December last Provided that they Finish and Compleat the same by the Last Day of October which shall be in the Year of our Lord one thousand Seven hundred and thirty Seven Any thing in the said recited Act to the Contrary notwithstanding

Chap. XI
[Supple-
ments 1724
ch. 16]

A Supplementary Act to the Act for Erecting a Town at Joppa in Baltimore County.

Whereas by the said Act it is Provided that if any Taker up of a Lot or Lotts in said Town shall not build upon said Lot or Lotts According to the Directions of the said Act that then any other Person might take up the said Lotts not built upon as aforesaid which said Second Taker up should pay the Value of such Lot so taken up to the Commissioners or the Major part of them or such other Person as the said Commissioners should Appoint to be laid out and Applied for the use and Benefit of said Towne And Whereas it Appears to this Present Assembly that there is now a Sum of money

in the hands of the Clerk of said Town Appointed by said Commissioners to receive the same unapplied or Laid out for Use of the said Town and the Commissioners or the Major Part of them being Dead the said money Cannot be Applied as Directed in said Act Be it therefore Enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordships Governour and the upper and Lower Houses of Assembly and the Authority of the same that the Justices of Baltimore County or the Major part of them be and are hereby Authorized and Empowered to take and receive the aforesaid money now in the hands of the Clerk of said Town and to lay out & Apply the same to the use & Benefit of s^d Town in the best manner as the said Justices or the Major part of them shall think fit.

An Act to Cut of the Entail of two Acres of Land part of a Tract
Called new Years Gift. Chap. XII
p. 182

Whereas the Vestry of Queen Caroline Parish in Ann Arundell County and M^r Caleb Dorsey and John Dorsey his son of the said County by their Humble Petition to this Present General Assembly have set forth that Severall of the Inhabitants of Elkridge and some Adjacent Places Some years ago Considering the Inconveniences they were Exposed to by reason of their Living so remote from their Respective Parish Churches did make Voluntary Contributions for building a Chapell of Ease having Obtained Leave of the Above Caleb Dorsey to build the same upon a Certain Spot of a Tract of Land Called New Years Gift then belonging to & in the Possession of the said Caleb Dorsey with a Promise that he the said Caleb Dorsey would with the first Conveniency Give & Convey the said Spot Containing two Acres to the undertakers of the said Chappell or in Case the same should in time Coming be made a Parish Church to the Vestry of the Same And the af^d Inhabitants having some time thereafter by their Petition Applied to the Assembly for having the upper Parts of some Neighbouring Parishes Lopt of and Erected into a Parish by themselves the same was Granted & the said Chapel became their Parish Church Whereupon the said Caleb Dorsey was ready According to Promise to Convey the said two Acres of Land to the Vestry for the use of Queen Caroline Parish But so it hapned that before he Could Conveniently Do it as the Law Directs in such Cases (the said Caleb not thinking then of his Promise aforesaid) did give & make Over a Part of the said Tract of Land including the said two acres to the said John Dorsey & his heirs by way of Entail so that now it is not in the Power of Either of them to Convey the said two Acres to the said Vestry as the said Caleb declares he fully intended and the said John that he is still desirous that the said promise be complied with altho both had forgot it at the time the said Entail was made the scituation and bounds of the

said two Acres of Land as Surveyed by master Henry Ridgely then Surveyor of Ann Arundell County being as follows Viz. Beginning at a Locust Post standing to the Northwest of the said Church & running thence East twenty Perches then South Sixteen Perches then West twenty Perches then North Sixteen Perches to the beginning Be it therefore Enacted by the Right Honourable the Lord Proprietary by & with the Advice and Consent of his Lordships Governour & the Upper & Lower Houses of Assembly & the Authority of the same that upon the said Caleb Dorseys & John Dorseys making over the said two Acres of Land Butted & Bounded as aforesaid together with all and Singular the buildings Premises & Appurtenances thereunto belonging to the said Vestry for the use of Queen Caroline Parish they the sd Vestry be & are hereby Invested with an Absolute Estate of Inheritance in the said two Acres with the Premises and Appurtenances thereunto belonging Any thing in the said Entail to the Contrary notwithstanding Saving to his most Sacred Majesty his heirs & Successors the Right Honourable the Lord Proprietary his heirs & Successors and all Bodies Politick or Corporate and all others not mentioned in this Act their Several & respective Rights.

Chap. XIII A Supplementary Act to the Act Entituled an Act for the Speedy
[Supple- and more Effectual Publication of the Laws of this Province and
ments 1727 for the Encouragement of William Parks of the City of An-
ch. 8] napolis Printer.

Whereas by the said Recited Act the Justices of Each County Court within this Province are Directed at the Laying of the levy in Each respective County during the Continuance of the said Act to Assess upon the Inhabitants of their Countys and allow Annually to the said William Parks the Quantity of two thousand Pounds of Tobacco as a Satisfaction for his Printing Stitching and Delivering a Copy of the Publick Laws Speeches and Answers to Every member of Assembly and Commissioners of the Peace for the time being and a Copy of such Laws bound in Leather to the Publick and Each House of Assembly and to Each County Court of this Province And Whereas it Appears to this Present Generall Assembly that by the said William Parks his neglecting to Print & Deliver the Laws of Last Sessions in the Manner aforesaid there was a Necessity of getting severall Bodies thereof transcribed for the use of the Publick and the Severall Counties within this Province to the great Charge & Expence Thereof and least the said William Parks by the like Neglect should Occasion a further Expence to the Count[r]y and unjustly receive the Satisfaction Assigned him for the Printing Stitching & Delivering the Laws made at the Present or any future Session of Assembly although he may not have Printed Stitched or Delivered the Same Be it Enacted by the Right Honourable the

Lord Proprietary by and with the Advice and Consent of his Lordships Governour and the Upper & Lower Houses of Assembly and the Authority of the same that it shall & may be Lawfull for the Justices of Each respective County Court within this Province and they are hereby required [not] to Pay the said William Parks the said Sum of two thousand Pounds of Tobacco so to be Levyed for his use as af^d unless it shall be Made Appear to them that the Laws of the Present or any future Session shall be Printed Stitched And Delivered in the manner Directed by the before recited Act within the Space of four Months next after the Conclusion of Each Session of Assembly Anything in the before recited Act to the Contrary notwithstanding.

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF THE
PROVINCE OF MARYLAND

*At a Session held at Annapolis August 11-16, 1737.
Being the Fourth Session of the Assembly Elected in 1734.*

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

SAMUEL OGLE,
Governor.

PROCEEDINGS
THE UPPER HOUSE OF ASSEMBLY

At a Session of Assembly begun and held at the City of Annapolis on Thursday the Eleventh Day of August in the twenty third year of his Lordships Dominion Annoq Dni 1737

Present

His Excellency Samuel Ogle Esq^r Governor

| | | | | |
|------------|---|------------------------------------|---|---------------------------------|
| The hoñble | { | Coll ^o Richard Tilghman | { | Michael Howard Esq ^r |
| | | Coll ^o M. Tilghman Ward | | George Plater Esq ^r |
| | | Benjamin Tasker Esq ^r | | Edmund Jenings Esq ^r |
| | | Philip Lee Esq ^r | | Col Charles Hammond |

U. H. J.
Lib. No. 33
August 11
p. 488
[The
Assembly
prorogued
until Sep-
tember was
called
together
earlier on
account of
the drought
(28 Ar-
chives 127)]

Mess^{rs} Ward and Hanson from the Lower House acquaint his Excellency that there is a Sufficient number of members met to make a House and wait his Excellencys Commands

Benjamin Tasker Esq^r is sent to the Lower house to Acquaint the Speaker that his Excellency requires his attendance with the Lower House in the Council Chamber

The Speaker & the Lower House attend and his Excellency is pleased to make the Following Speech

U. H. . Gentlemen of the upper and Lower Houses of Assembly
 Lib. No. 33

It was with Great Concern I found my self under a Necessity of Calling you together at this Season of the Year, which was occasioned by the very great drought that has happened this Summer whereby as I have been informed from all Parts of the Province there is a great Reason to apprehend a Scarcity of Grain among our Selves if the most speed and Effectual Methods be not used to prevent it such a misfortune is the more to be feared from the want of Grain in Foreign Parts which may be an Inducement to give a great Price to such among us as can spare any and a great Price the Greatest Temptation to sell

I thought it my Duty on so important and pressing an Occasion to use all the means I could to prevent the Exportation of Grain and to that end with the advice of his Lordships Council of State issued a Proclamation which I hope has had some Effect but as it is the Legislature only that Can provide effectually in the Present Case
 p. 489 we are now met together for that end & what ever you shall think necessary for the welfare and Safety of the People of Maryland you may depend on my Concurrence

Adjourned till to Morrow Morning nine of the Clock

August 12

Friday Morning 12th August 1737

The House met again according to Adjournment

Present as Yesterday

Col^o Tilghman attended by the members of this House presents to his Excellency the Governor the address of this house which follows in these Words

To his Excellency Samuel Ogle Esq^r Governor & Commander in Chief in & over the Province of Maryland

The humble Address of the Upper house of Assembly

We beg Leave to tender our sincere thanks to your Excell^y for your kind speech at the Opening this Session setting forth the Cause of convening us in which we intirely acquiesce and acknowledge your Excellencys repeated care for the welfare and Preservation of the Good People of this Province in giving us this favourable Opportunity of Endeavouring to secure ourselves from the fatal Consequence the present great Draught might otherwise Occasion

We further assure your Excellency that nothing shall be wanting on our Parts to testify our great Regard to your self & the real Pleasure we receive from your Administration and shall Endeavour

to use the best means in our power effectually to prevent the Exportation of Grain so necessary to be done at this Juncture for the Benefit of the Inhabitants of Maryland. U. H. J.
Lib. No. 33

Signed by Order of the house

R^d Tilghman

Adjourn'd till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Read the Petition of John Bradford a Languishing Prisoner in Prince Georges County Goal & referred to the Consideration of the Lower house of Assembly sent by Col^o Hammond p. 490

Read the petitions of Peter Hyatt a Languishing Prisoner in Prince Georges County Goal and of John Thomas in Baltimore County Goal & rejected the Petitioners not having set up publick notice of their Intention of applying to this house for Relief two months before their doing the same according to the Resolves of this House

Adjourned till to morrow morning nine of the Clock.

Saturday Morning 13th August 1737

August 13

This House met again according to Adjournment

Present as yesterday

His Excellency is pleased to communicate his answer to the Address of this house in the following words

Gentlemen of the Upper House of Assembly

I return you my hearty thanks for your kind Address as I was much assisted by your own wise Councils in my Endeavours to prevent the Exportation of Grain which might have been of such fatal Consequence to the good people of this Province so I flatter my Self the same good Advice & Assistance will never be wanting to me Whenever the Prosperity of Maryland is in any manner concerned

Sam Ogle.

Adjourned till two of the Clock in the Afternoon

U. H. J.
Lib. No. 33

Eodem Die post Die Meridiem

This House mett again according to Adjournment

Present as in the morning

A Bill from the Lower house by M^r Dulany & nine others Entituled
an Act to prevent the Exportation of Grain Bread & Flour thus
endorsed

By the Lower house of Assembly 12th August 1737

Read the first Time & Ordered to lye on the Table

Signed p^r Order M Macnemara Ct L^o H.

By the Lower House of Assembly 13th August 1737

Read the Second time & will pass

Signed p Order M Macnemara Ct L^o H.

p. 491 Read the first time in this house and ordered to lye on the table

A Bill from the Lower house by M^r Key & three Others En-
tituled an Act repealing an Act Entituled an Act for Limitation of
the time of Shipping Tobacco thus endorsed

By the Lower House of Assembly 13th August 1737

Read the first & Second time by an especial Order and will pass

Signed p Order M Macnemara Ct Lo H.

Read the first time in this house and Ordered to lye on the Table
Adjourned till Monday Morning nine of the Clock

August 15

Monday Morning 15th August 1737

This house met again according to Adjournment

Present

| | | |
|---|---|---|
| Col ^o Tilghman | } | George Plater Esq ^r |
| Col ^o Ward | | Edmund Jenings Esq ^r |
| Benj ^a Tasker Esq ^r | | James Holliday Esq ^r |
| Philip Lee Esq ^r | | Col ^o Cha ^s Hammond |
| Mich. Howard Esq ^r | | |

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This house met again according to Adjournment

Present as in the morning

Read the second time the Bill Entituled an Act to prevent the U. H. J.
Exportation of Grain Bread & Flour and passed with the following Lib. No. 33
Amendments

1st Page in 8th Line between the words, Exportation and until
put, any Indian corn Wheat or other Grain

2^d Page 8th Line between the words Grain, and or put Meal Flour
or Bread

11th Line after the Word Grain put meal Flour or Bread

3^d Page 8th Line after the word of put or cause to be Sold Bar-
tered or otherwise disposed of

11th Line the words any such wheat Indian corn or other Grain p. 492
Meal or Flour or Bread to be left out

4th Page 1st Line after the Word Grain, add Meal Flour or Bread

5th D^o after the Word District put and they are hereby Enjoyed
& required

6th D^o after the word Grain add meal Flour or Bread

8th D^o after the word Grain add meal Flour or Bread

5th Page 1st Line after the word Grain add meal Flour or Bread

3^d D^o instead of the word Informer, put owner or Proprietor
thereof & after the word act in the same Line add these words unless
such owner or proprietor or the Master of such Vessel shall or will
discover upon his or their Oath or Oaths the true and just Quantity
of such wheat Indian Corn or other Grain meal Flour or Bread &
give Good & Sufficient security to such Naval Officer or other Officer
of the Customs Sheriff or Justice of Peace as af^d payable to the Lord
Proprietary with condition to abide the Event and Determination of
such Seizure or Suit as shall be had therein

5th Line instead of the word Grain put wheat Indian corn or other
Grain meal Flour or Bread

6th Page 2^d Line after the word other put half

7th D^o After the word any add Indian Corn wheat or other
Grain

7th Page 1st Line after the word Exportation put shall be liable
to the Penalty of the Forfeiture of the said Wheat Indian Corn or
other Grain and treble the Value of the same one half thereof to his
Lordship his heirs and Successors and the other half to him her or
them that shall sue for the same in any of the Courts aforesaid in
manner aforesaid Leaving out all Words in the Section after the
Word Exportation

5th Line after the word be put laden

8 Page 1st Line instead of the word until put before

Last Page 5th Line after the Word Vessel put and the Lading

Sent by Geo Plater Edmund Jenings and James Holliday Esq^{rs}

The following message is sent to the Lower House by Coll^o Ward
& four others.

U. H. J.
Lib. No. 33
p. 493

By the Upper House of Assembly 15th August 1737

Gentlemen

His Excellency having laid before this House a Copy of an Address from the President Council and Assembly of Pennsylvania relating to several late Disturbances on the northern Borders of this Province which address so much reflects on the honour of this Government and Province & tends so Greatly to Indanger the Lives Liberties and Properties of our Inhabitants on the Borders of this Province that this House think it absolutely necessary to humbly address his Majesty on the same occasion in which his Excellency is pleased to Join and we hope your House will Also Concurr

And if the address now prepared and sent should be thought by your House suitable and proper we desire you will signify your approbation that the same may be signed accordingly

Signed p^r Order John Ross Cl Up H.

Adjourned till to morrow Morning nine of the Clock

August 16

Tuesday Morning 16th August 1737

This House met again according to Adjournment

Present as Yesterday

A Message from the Lower house with the Address by [Col King and Eleven more]

By the Lower house of Assembly 16th August 1737

May it please your Honours

This house approves of the address sent hither yesterday by Col Ward & four more & herewith send it back that it may be signed

Signed p^r Order M Macnemara Cl L^o H.

The following Message is sent to the Lower house with the Address by Col^o Ward & [three more]

By the upper House of Assembly 16th August 1737

Gentlemen

The Governor and President of this House having signed the Address to his Majesty we return the Same to your House to be signed by your House

Signed p order John Ross Cl Up H.

p. 494

Read the second time the Bill intituled an Act repealing an Act Entituled an Act for Limitation of the time of shiping Tobacco and passed with the following Amendments in the first Line add this

Preamble Whereas the very great shortness of the Crop now on the Ground occasioned by the uncommon Drought this Summer renders the Limitation of time of Shipping Tobacco very inconvenient to the Trade of this Province and the word therefore to be put between it & Enacted in the first line and sent by Edmund Jenings Esq^r

U. H. J.
Lib. No. 33

A Message from the Lower House with the Address by M^r Sprigg and nine others

By the Lower House of Assembly 16th August 1737

May it please your Honours

We return you the Address to his Majesty signed by Order of this House by the Speaker

Signed p^r Order M Macnemara Cl L^o H.

To the Kings most Excellent Majesty

The humble Address of the Governor and the Upper and Lower Houses of Assembly of the Province of Maryland.

May it please your Majesty

We Your Majestys most dutiful and Loyal Subjects the Governor and the members of the upper & Lower Houses of Assembly of the Province of Maryland most humbly presuming on your Majestys constant Goodness and gracious Condescension to receive the petitions & Complaints of all your Subjects do hope for your Majestys Royal permission to represent the injurious treatm^t which this Province in General & more particularly your Majestys Subjects residing on the northern Borders thereof of Late Suffered from the Government & Inhabitants of the Province of Pennsylvania

His late Majesty King Charles the first by his Royal Grant of Letters Pattent under the Great seal & bearing date the 20th day of June in the eighth year of his Reign did grant unto Cecilius late Lord Baltimore his heirs and assigns a tract of Land described by and included within particular Limits metes and Bounds expressed in the said Grant and which was by the said Grant erected into a Province and stiled by the name of Maryland by Virtue of which Royal Grant the said Lord Baltimore immediately took Possession thereof and which the present Lord Baltimore now our Lord Proprietary claims and we must beg Leave further to lay before your Majesty that the late William Penn Esq^r Claiming some Lands to the Northward of and near to the said Province of Maryland now called Pennsylvania under a Royal Grant from his late Majesty King Charles the second & taking Advantage of the Bounds of Maryland not being Sufficiently known & fixed by Proper Land Marks Both he and his Heirs have intruded and encroached on considerable

U. H. J. Quantities of Land far within the Descriptions Bounds and Limits
 Lib. No. 33 of the Province of Maryland as comprized in the Royal Charter
 or Grant

This Truth may it please your Majesty is so notorious that the Government of Pennsylvania ever despairing to justify their frequent Incroachments by a Denial thereof have endeavoured from time to time to insinuate that some Limit was set by a Lord Baltimore to himself many years ago whereas they must be sensible there is little Reason or Justice to rely on that Assertion or the strength of that pretended Limit for even after the supposed time of fixing thereof an Order was made by the late King James the second in Council on the particular Application & greatly in favour of M^r Penn without any Regard to that Limit of M^r Penns mentioning the same or so much as pretending there ever was one; but extended Lord Baltimores right as far to the Northward as was Comprized within his Charter and which Order we most humbly Presume M^r Penn would not have so earnestly contended for and his Heirs would not have since so much & only replied thereon if that pretended Limit to the Southward of the Bounds expressed in the Charter could have been sufficiently supported

But your Majestys Subjects the Inhabitants on the Northern Borders of this Province have on too many Occasions lamentably experienced the little Knowledge or Opinion the Inhabitants or persons pretending to Act under the Authority of Pennsylvania have of any Limit or Bound to their violent & Intruding disposition which always hurry them to extend the Authority of the Govern-
 p. 496 ment of Pennsylvania by Incroachments to the Southward of every Limit they at any time before thought proper to set to themselves under these circumstances the Lord Baltimore our Proprietary was prevailed in the Year 1732 to hearken to Overtures made by the Proprietaries of Pennsylvania for the fixing and ascertaining some certain Limits and Bounds between the Provinces of Maryland and Pennsylvania and Accordingly Articles of Agreement were entered into & Commissioners were appointed by the Lord Baltimore and the Proprietors of Pennsylvania for that purpose in which Articles a time was Limited for Carrying them into Execution and a Provision made that if they were not executed in the time so limited they should be void which Articles partly from the Difficulty of the execution and partly from the Unreasonableness objections and demands of the Commrs of Pennsylvania and the different constructions put upon the Articles themselves were not Executed yet those concerned in the Gov^t of Maryland who have ever been careful to slip no Opportunity or omit any Pretence to incroach into Maryland pretended that tho the said Articles were never carried into Execution and that the time for so doing was actually elapsed yet that they were Equally Binding as if really Executed and even went so far as to

Cause Lines to be run & Boundaries to be marked by Persons Appointed by themselves without the knowledge of the Lord Baltimore or any Body concerned in the management of his Affairs & gave out that they would maintain the Limits made & Boundaries so marked at all events This Conduct may it please your Majesty Occasioned new Incroachments which were supported by Force and Violence such as the Imprisonment & ruin of some of your Majestys Subjects who had the Misfortune of Settling on the northern parts of Maryland bordering on Pennsylvania to the great Terror of such others who had the good Fortune to escape such severities to prevent which Violences and to secure the Peace and Property of your Majestys Subjects until the Bounds of the two Provinces could be settled so as to end all disputes Concerning them this Government offered to Joyn with the Government of Pennsylvania in an humble Address to your Majesty for the fixing Our Limits and determining our Differences and to prohibit any Person from Settling & inchroaching in the mean time further to the northward or Southward of the then respective Settlements in each Province but the Government of Pennsylvania was not pleased to concur in such measures which must have Greatly added to the happiness of all & saved the Lives of some of your Majestys Subjects

U. H. J.
Lib. No. 33

p. 497

Then may it please your Majesty the Lord Proprietary of this Province became apprehensive of the Consequences of such Unwillingness in the Government of Pennsylvania to that Peace and Good will which your Majesty so Gloriously defends and preserves to your Subjects and most justly respects & Comm^{ds} should be Observed amongst them and in Compliance with his Duty to your Majesty in the Safety and Preservation of us your Majestys Subjects under his Government as well as in maintenance of his own right and Property his Lordship our Lord Proprietary did by his most humble petition to your Majesty set forth his Title to this Province under the said Charter and for the Reasons in the said Petition mentioned his Lordship most humbly prayed your Majestys further Charter or Letters Pattent to Confirm the whole of the Tract of Land called a Peninsula in the said Charter to his Lordship which petition your Majesty was most Graciously pleased to refer to the Consideration of your Majestys Lords Commissioners for Trade & Plantations upon which their Lordships having made their Report to your Majesty your Majesty was most Graciously pleased to refer the same to the right Hon^{ble} the Lords of Committee of Council for Plantation affairs and their Lordships were pleased to report to your Majesty that your Maj^y having been pleased to refer unto that Committee a Report made by the Lords Commissioners for trade and Plantations upon the Petition of Charles Lord Baltimore praying for a Grant of Confirmation of such Part of a Peninsula in America as is Contained within the Limits of the Charter granted

U. H. J. to his Ancestor in the Reign of King Charles the first notwithstanding the Words Hactenus inculca which are inserted in the Recital of the said Charter And that your Majesty having been pleased likewise to Refer unto that Committee two petitions the one
 Lib. No. 33
 p. 498 in the name of Richard Penn Esq^r the youngest surviving Son of William Penn Esq^r deceased in Behalf of himself and his two elder Brothers John and Thomas Penn Esq^r then in Pennsylvania setting forth their right to the three Lower Counties of Newcastle Kent and Sussex lying within and Contiguous to the said Peninsula & therefore praying to be heard against confirming the said Peninsula to the Lord Baltimore and the Other in the name of the People called Quakers inhabitants of the said three Lower Counties praying also to be heard against Confirming the said Lands to the Lord Baltimore that their Lordships took the said Report and Petitions into their Consideration & were attended by Council as well for the Lord Baltimore as the other petitioners and that it appearing that on the 10th of May 1732 Articles of Agreement had been entered into between the Lord Baltimore and the said John Thomas and Richard Penn for adjusting the Boundaries of the Land Granted to them by their respective Charters which Articles had not been carried into Execution within the time thereby Limited but notwithstanding such Lapse of time the Validity of the said Articles being insisted on by & Behalf of the said John Thomas and Richard Penn; the Lords of the Committee did agree humbly to report to your Majesty as their Opinion that the Consideration of the said Report and petitions should be adjourned until the end of Michaelmas term then next in order to give an Opportunity to the said John Thomas and Richard Penn to proceed in a Court of Equity to obtain the said Articles of Agreement so insisted upon by them as they should be advised and that after the Expiration of the said time either Party should be at Liberty to apply to the Committee of Council for Plantation affairs as the nature of the case might require which Report your Majesty was pleased to approve and order agreeable thereto and to Direct that all Persons whom it might Concern were to take notice & govern themselves accordingly

This your Majestys Royal notice and Interposition gave immediate Ease and quiet to every poor Inhabitant on our Borders nor would our awful duty to your Majesty suffer us to entertain the least Apprehension or distrust that any of your Majestys Subjects would be so presumptuous and daring to break in and disturb that Tranquillity which your Majesty had so Graciously taken under your own so immediate Royal Cognizance

But we must humbly represent to your Majesty that although
 p. 499 Your Majesty was pleased on the Petitions of the Proprietary of Pennsylvania to adjourn the Consideration of the Report of the Lords for Trade and Plantations till the end of Michaelmass term

then next in order to give them an opportunity to proceed in a Court of Equity to Obtain Relief upon the said Articles of Agreement so insisted upon by them as they should be advised yet the Government of Pennsylvania very soon after seemed to imagine they had a right to determine by Violence what your Majesty had so lately given your Royal Directions About and which then was and still is depending in your Majestys high Court of Chancery by your Majestys Royal Indulgence to the Proprietaries of Pennsylvania

U. H. J.
Lib. No. 33

That several Germans and Palatines being arrived some time ago in these Parts of your Majestys Dominions in America made their Applications and requests to this Government for the Liberty of Seating and Settling with their Families on Lands within this Prov^s which desires this Government not only thought reasonable but the People so deserving Encouragement that several Considerable Quantities of Land lying on the Borders of this Province adjoining to the Province of Pennsylvania were allotted and Assigned them for their Residence and Support under the Authority of this Governm^t & accordingly not Less then fifty or sixty families of that nation immediately took Possession of these Lands and paid their Proportion of the Taxes and demeaned themselves in every other Respect as Peaceable subjects to your Majesty and unquestionable Inhabitants and Tenants of this Province until very Lately when through Unwariness and too much Credulity they suffered themselves to be prevailed on by the Emissarys of Pennsylvania under Pretence of more than ordinary advantages to renounce openly their Submission to this Government & to declare their Resolution to transfer their Obedience to the Government of Pennsylvania and in order to account for this their extraordinary proceeding they declared their unwillingness to Contribute towards the maintenance of the ministers of the Church of England by Law established in this Province or to Conform themselves to such Laws and Rules for the regulating the Militia as this Province in their Legislature has thought expedient and necessary for their Safety and Defence against any Foreign Enemy Which the said Emissaries among other things promised they should be entirely [free] from in consid- p. 500
eration of their withdrawing their Obedience from this Government

So Surprising a Behaviour endeavoured to be Justified by such Pretences so Greatly alarmed this Government with the Dangerous Consequences which might ensue not only to this Province but to every other Part of your Majestys Dominions in America that they thought their then indispensable Duty required their utmost Care to disabuse these deluded People to make them sensible how much they had misbehaved themselves as Subjects to your Majesty for this purpose the Proper Sheriff of the County had orders as well to demand and levy on those inhabitants their Just Proportion of the Legal Taxes due to this Province as to apprehend & secure so many

U. H. J. of them as he could find in order that they might be forthcoming to
 Lib. No. 33 answer in a due course of Law for their Misdemeanor in attempting
 to disturb the Peace of this Province by their avowed Disobedience
 to the Laws thereof & as this Government was not ignorant that
 these unfortunate people had been privately encouraged by some
 persons daring enough to protect them against any Prosecution
 therefore the said Sheriff had directions to take to his Assistance in
 the Execution of his said Office some of the militia of his Country in
 pursuance of which Commands the said Sheriff attended by Several
 of the Militia Repaired to that Part of his County where those Inhabi-
 tants resided there he found them shut up in an House which an
 armed number of men Inhabitants of Pennsylvania had taken pos-
 session of and after his demand of their being delivered to him was
 obstinately refused the said Sheriff with the said militia departed
 in a peaceable manner and Distrained some few of their Goods for
 their Proportion of Taxes

This Conduct of the Government of Maryland we humbly hope
 will Appear in your Majestys Great wisdom proper & reasonable but
 we presume to acquaint your Majesty that the Government of Penn-
 sylvania thought fit not only to consider it in another Light but to
 make Use of it for Purposes destructive of the Lives & Properties
 of your Majestys Subjects for that Government under pretence that
 those parts of the Country lay to the northward of a Line mentioned
 in the Agreement now under the Cognizance of your Majestys high
 Court of Chancery to Determine whether it should bind the Lord
 Proprietary of this Province was pleased to issue a Proclamation
 p. 501 under a Specious Colour of Preserving Peace but really to inflame
 and incite the Inhabitants of their Borders which that Government
 then acknowledged was filled with People of more than ordinary
 Spirit to the Commission of horrid & Cruel Violences

It is with the most sensible Concern may it please your Majesty
 that we found those designs of the Government of Pennsylvania had
 too soon their desired Effect for divers your Majestys Subjects who
 had nothing to support themselves with but their Labour and
 Industry were violently Dragged from their Habitations and thrown
 into Loathsome Goals to the ruin of their poor families and not
 Content with these Violences an armed multitude pretending to be
 Inhabitants of the Province of Pennsylvania headed by a Sheriff and
 a Magistrate of that Province beset the house of one Thomas Cres-
 sap who had always held the Land he then Lived on under a Title
 from the Lord Proprietary of Maryland Acknowledged himself
 Tenant of that Province and Constantly paid his Taxes & Dues to
 the same and acted for some time past as a Magistrate thereof and
 in further Execution of their pernicious intentions these outrageous
 people set fire to the house (in which there was then the Owner his
 Wife and Children and six other men) and burnt the same down to

the Ground with all the Effects of the said Owner to a very Considerable Value nor was the Spirit of these Incendaries allayed by this bold Violation of your Majestys Laws but when the unhappy Wretches then in the house endeavoured to save and Defend themselves from the Flames and those merciless men a Continual firing of Guns followed which Occasioned the Death of one and Wounding others of your Majestys Subjects who had been in the House then the Owner with four of his Companions were Seized and hurried into the Goals of the Province of Pennsylvania where one of them actually perished for want of Sustenance and the rest now Lye

U. H. J.
Lib. No. 33

This Proceeding by Fire and Sword to establish the Bounds which are now in Dispute in your Majestys high Court of Chancery filled your Petitioners as well as other your Majestys Subjects of these two Provinces with such terrible apprehensions that an immediate Application was made from this Government to the Government of Pennsylvania for their Assistance in Discountenancing such Violences and Bringing the Offenders to Condign Punishment And Lest they should escape a Just Return for their Wickedness by any Doubt which the Government of Pennsylvania might pretend to Entertain of the place where they ought to be tried this Government Requested that Government to cause the Offenders to be immediately Apprehended in order that they might be amenable to Justice in such Place as your Majesty should be pleased to direct but contrary to all reasonable Expectations the Government of Pennsylvania was pleased to decline any Compliance with that demand by deferring their apprehension till your Majestys Pleasure should be signified therein nor Could any Remonstrance from this Government of the Probability of the Offenders escape and Eluding by that means your Majestys Justice prevail with that Government to alter their Resolution p. 502

We further humbly presume to lay before your Majesty Our Unhappiness that this Government is not able to procure from the Gov^t of Pennsylvania the release of those unfortunate Sufferers who are still Confined in Pennsylvania Goals this desire was refused on pretense that Thomas Cressap the owner of the house had been guilty of a former murder & that the others were present at the aforementioned Confusion when one of your Majestys Subjects was killed that accusation of a former murder against the said Cressap will we humbly hope appear very extraordinary when we presume to say that a man was killed by him in defence of his Own House when the very same House was in the night time attacked and broke into some years ago by another number of Pennsylvanians and the Owner then threatned with the Loss of his Life which he had no means or Possibility of preserving but by defending himself the best Way he could and who therefore in defence of his house fired a Gun and Shot the deceased in the Leg or thigh of which wound he dyed for this Fact the Owner of the House was brought

U. H. J. to his Trial in this Prov^s and the late Governour of Pennsylvania
 Lib. No. 33 was so sensible of this being the Truth of the Case that he often declared the Owner of the House ought not to be accountable for that mans death and those Concerned in the Government of Pennsylvania are so well Satisfied of the said Cresaps And his fellow Prisoners innocence that during eight months imprisonm^t there has been no Prosecution against them nor any Legal Opportunity Given them to shew their Innocence and only groundless Slanders raised Against the poor unhappy man and his fellow Sufferers to furnish a Pretence to Deprive them of their Liberty and to Violate the Laws securitative of the Rights of a British Subject

p. 503 This being the melancholy Scituation of many of your Majestys Subjects who have been ruined and Deprived of their Liberty & of others who are in danger of the like Rigorous Treatment from a Neighbouring Government and people who under the Specious Pretence of peaceable Principles of Religion have used the most subtle Arts to incroach into the Limits of this Province and have not Scrupled to Excite Bold and desperate men to commit the most Deliberate Cruelties upon several of your Majesties Subjects & to Countenance protect and reward these their instruments at the same time that they have pretended they would not encourage the Violences committed or the Authors of them and your Majestys Subjects who have the honour of having any Share in the Administration of the Government of Maryland conceiving it to be their undoubted Duty to use all possible endeavours to preserve the Lives & secure the Peace of all your Majestys Subjects & even to avoid repelling force with force but in the most humble manner to have recourse to your most Sacred Majesty and to implore your Protection & defence We most humbly beseech your Majesty to take the Sufferings of your Majestys Subjects who are & long have been deprived of their Liberty in the manner already mentioned & such others of the Inhabitants of this Province as are in danger of the like rigorous Usage into your Royal Consideration & to vouchsafe to grant them Such Relief as to your Majesty in your Royal Wisdom shall seem meet

Your Majestys most Gracious Condescension in hearkening to these Our complaints must the more (if possible) inforce Our inviolable duty in praying for the Blessings of Length and Happiness to your Majestys Reign and an ever Continuance of the Crown in a succession of the illustrious House of Hannover Whose chief Good is placed only in that of Mankind & more Especially of us Subjects amongst the most Dutiful & Obedient of whom we humbly presume to Declare Our selves

Sam Ogle

Signed by Order of the Upper House R^d Tilghman President

Signed by Order of the Lower House James Harris Speaker

A Bill from the Lower House by [M^r George and nine more] U. H. J.
Entituled An act to revive an Act entituled an Act for the Relief of Lib. No. 33
Prisoners for debt thus endorsed p. 504

By the Lower house of Assembly 16th August 1737

Read the first and second time by especial Order and will pass

Signed p Order M Macnemara Ct Lo H.

Read the first and second time in this House by especial Order
& will not pass and sent with the following Message by George
Plater Esq^r

By the upper House of Assembly 16th August 1737

Gentlemen

The Mischiefs and Inconveniences which have arose in the Execution of the Law proposed to be revived by the Bill intituled an Act to Revive an Act for the relief of Prisoners for debt, have been so Great & many that such a Law must be rather an Encouragement than a Discouragement of Idleness and Poverty but of any persons are now in Goal & real Objects of Compassion and Charity and have conformed to the Resolves of this house this house is inclinable to provide a Relief for them

Signed p Order John Ross Ct Up H.

An Engrossed Bill from the Lower House by Mess^{rs} Key and George Entituled an Act to prohibit the Exportation of Grain Bread and Flour thus subscribed

16th August 1737

Read and Assented to by the Lower House of Assembly

Signed p Order M Macnemara Ct Lo H.

Read & Assented to by this house and Ordered to be so Subscribed

A Bill from the Lower House by M^{rs} Francis & Entituled an Act for the Continuance of Actions in several County Courts in this Province thus endorsed

By the Lower House of Assembly 16th August 1737

Read the first and second time by an especial Order and will pass

Signed p Order M Macnemara Ct Lo H.

Read the first & second time in this House by Especial Order and p. 505
passed and sent by Michael Howard Esq^r

U. H. J. A Bill from the Lower house by Mess^{rs} Sprigg and Stoddert
Lib. No. 33 Entitled an Act for the Relief of John Bradford a Languishing
Prisoner in Prince Georges County Goal thus Endorsed

By the Lower House of Assembly 16th August 1737

Read the first & Second time by an especial Order and will pass
Signed p Order M Macnemara Ct Lo H.

Read the first time in this House & ordered to lye upon the Table
An Engrossed Bill from the Lower House by Mess^{rs} Stoughton
& Johnson entitled an act repealing an Act entitled an Act for
Limitation of Shipping Tobacco thus Subscribed

16th August 1737

Read and Assented to by the Lower House of Assembly
Signed p Order M Macnemara Ct Lo H.

Read & Assented to by this House & Ordered to be so Subscribed
Adjourned till two of the Clock in the Afternoon

Eodem Die Post Meridiem

This house met again according to Adjournment

Present as in the Morning

Read the second time in this House by Especial Order the Bill
Entitled an Act for the Relief of John Bradford a Languishing
Prisoner in Prince Georges County Goal & Passed with the following
Amendment, in the 10th Line of the 9th Page put Ten instead of five
& sent by Benjamin Tasker Esq^r

An Engrossed Bill from the Lower House by Mess^{rs} Ward & Jordan
entitled an Act for the Continuance of Actions in Several County
Courts in this Province thus Subscribed

16th August 1737

Read & Assented to by the Lower House of Assembly
Signed p Order M Macnemara Ct Lo H.

p. 506 Read & Assented to by this house & Ordered to be so Subscribed
The Journal of the Committee of Accounts is brought from the
Lower House by Coll^o King and four others thus Subscribed

By the Lower House of Assembly August 1737

[Read and Assented to]
And the following message

By the Lower House of Assembly 16th August 1737

U. H. J.
Lib. No. 33

May it please your Honours

This house is of Opinion that it will be of Service to the Countrey to pay the publick charge of this Province which will be due at the end of this Session out of the Bills of Credit remaining in the Office because it will not only prevent any Delay in Paym^t to the Prejudice of such persons as are in immediate Want but also because it will tend to a different Circulation of the said Bills of Credit And thereby render them the more useful to all the Inhabitants of this Province who are by the Laws thereof Obliged to provide a Sufficient fund to sink the said Bills of Credit and therefore desire your Honours Concurrence in having such payment made out of the Bills of Credit now in the Office accordingly.

Signed p Order M Macnemara Cl Lo H.

The Journal of the Committee of Accounts being read is Ordered to be thus Subscribed

By the Upper House of Assembly 16th August 1737

Read and Assented to by the Upper House of Assembly

Signed p^r Order John Ross Cl Up H.

Sent to the Lower House with the following message by [Col Ward]

By the Upper House of Assembly 16th August 1737

Gentlemen

This House agrees that the Payment made to the Several Persons having Claims from the Publick in the Journal of Accounts sent up this day be paid out of the Bills of Credit remaining in the Paper Office as proposed in your Message by Col^o King and Others

p. 507

Signed p Order John Ross Cl Up H.

A Bill from the Lower House by Mess^{rs} George Entituled an Act for taking out of the Office of the Commsrs. or Trustees for emitting the Bills of Credit the several Sums herein mentioned and for repaying the Same into the said Office by the several Treasurers of this Province thus endorsed

By the Lower House of Assembly 16th August 1737

Read the first and second time by an especial Order and will pass

Signed p Order M Macnemara Cl Lo H.

U. H. J. Read the first and second time by especial Order in this House
Lib. No. 33 passed & sent by Col Hammond

An Engrossed Bill from the Lower House by Mes^{rs} Ward [and] Denton Entituled an Act for the Relief of John Bradford a languishing Prisoner in Prince Georges County Goal thus subscribed

16th August 1737

Read & Assented to by the Lower House of Assembly

Signed p Order M Macnemara Cl Lo H.

Read and assented to by this house and Ordered to be so Subscribed

Ordered by this house the Governor being present that the Treasurer of the Western Shoar send to England for Sufficient Books Paper Ink Powder and Parchment necessary for the Use of the publick

An Engrossed Bill from the Lower House by Mess^{rs} Hans[on] & Nedels intituled an act for taking out of the Office of the Commrs or Trustees for emitting the Bills of Credit the several sums herein mentioned & for repaying the same into the said Office by the several Treasurers of this Province thus Subscribed

16th August 1737

Read & Assented to by the Lower House of Assembly

Signed p Order M Macnemara Cl Lo H.

The Several Paper Bills the Engrossed Bills of which have been Read & Assented to by this House are ordered severally to be thus Endorsed & Sent to the Lower House by George Plater Esq^r

By the Upper House of Assembly

The Engrossed Bill whereof this is the Original is read & assented to

Signed p Order John Ross Cl Up H.

Mess^{rs} Smith and King from the Lower house acquaint his Excellency their House hath no Business before them

Col^o Tilghman is sent to the Lower House to acquaint the Speaker that his Excellency requires him and the rest of the members of that House to attend him immediately in the upper House to see the Bills passed both Houses this Session receive the Assent

The whole House attend & by their Speaker present to his Excellency the following Bills

Chap. XIV An Act to prohibit the Exportation of Grain Bread & Flour

An Act repealing an Act entituled an Act for Limitation of the time of Shipping Tobacco

U. H. J.
Lib. No. 33
Chap. XV

An Act for the Continuance of Actions in several County Courts in this Province

Chap. XVI

An Act for the Relief of John Bradford a languishing Prisoner in Prince Georges County Goal

Chap. XVII

An Act for taking out of the Office of the Commissioners or Trustees for emitting the Bills of Credit the several Sums herein mentioned and for repaying the same into the said Office by the several Treasurers of this Province

Chap. XVIII

All Which were signed by his Excellency the Governor & Assented to on Behalf of the right Honourable the Lord Proprietary & sealed with his Lordships Greater Seal at Arms after which His Excellency makes the following Speech

Gentlemen of the upper & Lower Houses of Assembly

The Business of this Session being at an end I with the Advice of his Lordships Council of State do prorogue this Assembly until the third Tuesday in November next and you are to take notice you are prorogued to that day accordingly

p. 509

Thus Endeth the fourth Session of this Assembly begun & held at the City of Annapolis the Eleventh Day of August & ending the Sixteenth day of the same month Anno Dom 1737 in the tenth Year of his Majestys Reign and in the twenty third year of his Lordships Dominion

Jn^o Ross Cl.

PROCEEDINGS
THE LOWER HOUSE OF ASSEMBLY

L. H. J. At a Session of Assembly held at the City of Annapolis on
Lib. No. 45 Thursday the 11th Day of August In the Year of Our Lord 1737 and
August 11 in the Twenty Third year of the Dominion of the Right Honourable
p. 730 Charles Absolute Lord and Proprietor of the Provinces of Maryland,
and Avalon, Lord Baron of Baltimore by Prorogations from the
Twenty Eighth Day of May In the Year 1737 Appeared in the
Lower House of Assembly the following Members.

The Honourable James Harris Esq^r Speaker

For S^t Marys County

Major Jourdon

M^r Read

M^r Waughop

For Charles County

M^r John Courts

M^r Will^m Middleton

Col Hanson

M^r Hawkins

For Kent County

M^r Wilson

M^r Kennard

M^r Hall

For Somerset County

For Cecil County

Col. Ward

For Ann Arundell County

M^r Hammond

M^r Denton

M^r Dulany

M^r Warfield

For Talbot County

M^r Edmunson

M^r Needles

For Baltimore County

M^r Sheredine

M^r Hamilton

M^r Moale

M^r Mathews

For Calvert County

Col Mackall

M^r Smith

Major Skinner

For Dorchester County

For Prince Georges County

M^r Magruder

Major Sprigg.

For the City of Annapolis

Captⁿ Gordon

M^r Richard Francis

For Queen Anns County

M^r Tilghman

M^r Pemberton

A Sufficient Number of Members to Compose a Lower House of Assembly being met Co^t Hanson and Co^t Ward ordered to Acquaint his Excellency the Governour Therewith L. H. J.
Lib. No. 45

Benj^a Tasker Esq^r from the Upper House Acquaints M^r Speaker the Governour requires The Attendance of the Members of the Lower House of Assembly in the Council Chamber

M^r Speaker and the rest of the Members of this House went to the Councell Chamber

The Governour Made the following Speech. (See page 104.)

M^r Speaker and the rest of the Members of this House Ret^d M^r Dulany and M^r Richard Francis Appointed to prepare an Address to his Excellency on his Speech.

The Several Committees Appointed last Session are Continued this Session

The House Adjourns untill to morrow morning at 9 of the Clock.

Friday Morning August the 12th 1737

August 12
p. 731

The House met According to Adjournment &c^a

Co^t Hooper and M^r Key Appeared in the House This morning
M^r Dulany brings in the following Address to the Governour

To His Excellency Samuel Ogle Esq^r Governour of Maryland
The Humble Address of the Lower House of Assembly

May it Please your Excellency

We His Majesties most Dutifull and Loyal Subjects the representatives of the Freemen of Maryland in Assembly Convened return your Excellency our Most Humble and Hearty Thanks for your Kind Speech at the Opening of this Session and for the Early Care you have Taken to prevent the Exportation of Grain at a Time when there is the greatest Probability of its being Scarce among our Selves

We Acknowledge with the Deepest Sense of Gratitude your Constant Care and Solicitude for the Welfare of the Inhabitants of Maryland and Particularly Your Calling the Assembly Together at this Time in order to make the most Effectuall Provision to prevent so great a Calamity as the want of Bread.

We Shall not fail to do every Thing in our power in faithfully Discharging The Trust reposed in us for the Safety of the People we represent wherein we Cannot but be greatly Encouraged by the Assurance you have been pleased to give us of your Concurrence on which assurance the whole Course of your Administration has Taught us to rely with the greatest Confidence.

Which was read Approved and ordered to be Ingrossed

L. H. J. On Motion of a Member Leave given to bring in a Bill to prevent
Lib. No. 45 the Exportation of grain.

The Address to His Excellency being Ingrossed and Prepared
Cot Mackall and Cot Hanson ordered to Acquaint his Excellency
the Governour therewith to desire to know when and where he will
please to receive it they return and Acquaint M^r Speaker the Gov-
ernour will be read to receive the Address at four of the Clock in the
afternoon in the Conference Chamber.

The House Adjourns untill two of the Clock in the Afternoon

Post Merediem. The House met According to Adjournment &c.

M^r Brown Captⁿ Elliott M^r George and M^r Goldsborough Ap-
peared in The House this afternoon

Cot Hammond from the Upper House Delivers M^r Speaker the
Petition of John Bradford a Languishing Prisoner in Prince Georges
County Goal Indorsed Referred to the Consideration of the Lower
House of Assembly which was here read and granted

Cot Mackall and Twelve more Sent to present the Address to the
Governour

A Bill Entituled an Act to prevent the Exportation of Grain Bread
and Flower was read the first time and Committed for Amendments.

The House Adjourned untill to morrow morning at 9 of the Clock

August 13

Saturday Morning August 13th 1737

The House met according to Adjournment &c.

The Governour Communicated to M^r Speaker the following
Answer

Gentlemen of the Lower House of Assembly

I Thank you Heartily for your Kind Address and am very well
pleased To find that the Care I have Taken to prevent the Exporta-
tion of Grain Meets with your Approbation.

Tho the Province is Certainly in Danger of wanting that Nec-
essary Commodity I Cannot but flatter my Selfe that our meeting
together at this time may in a great Measure prevent the Calamity
we might have been Otherwise Exposed to.

Sam. Ogle.

p. 732 M^r Smith and M^r Key Ordered to acquaint the Reverend M^r
Humphrys that he is Desired by This House to read Divine Service
morning and Evening during this Session

The House Adjourns untill two of the Clock in the Afternoon

Post Merediem. The House met According to Adjournment &c^a

The Bill Entituled An Act to prohibit the Exportation of Grain L. H. J.
Bread or Flower Read the Second time and passed and Sent to the Lib. No. 45
Upper House by M^r Dulany and Eleven more.

The Question was put that leave be given to bring in a Bill to
repeal the Act for Limitation of the Time for Shipping Tobacco.
Resolved in the Affirmative.

M^r Key Brings in a Bill Entituled an Act Repealing an Act En-
tituled an Act for Limitation of the Time for Shipping Tobacco
which was read the first and Second time by an Especial order and
passed and Sent to the Upper House by M^r Key and Three more

The Journal of Accounts was read and Assented to.

The House Adjourns untill Monday morning at 9 of the Clock

Monday Morning August 15th 1737

August 15

The House met According to Adjournment &c^a

All present as on Saturday Except M^r Hammond

M^r Stoughton Co^t Gale Co^t King Co^t Dashiels M^r Tench Francis
and M^r Johnson Appeared in the House this morning.

The House Adjourns untill 2 of the Clock in the afternoon

Post Meridiem. The House met According to Adjournment &c.

M^r Stoddert Appeared this Afternoon

George Plater Esq^r and Two more from the Upper House Delivers
M^r Speaker the Bill Entituled an Act to prohibit the Exportation
of Grain Bread and Flower Indorsed (See pages 106, 107.)

Which Bill with the Amendments proposed passed for Ingrossing. p. 733

M^r Speaker Communicated to this House the following Letter
Gentlemen of the Lower House of Assembly on the very day of your
now meeting and not before I rec^d a packet from England Inclosing
a Copy of an Address presented by the president Council and As-
sembly of the Province of Pensilvania to his Majesty this Address
Contains so many misrepresentations to the prejudice of the Safety
and prosperity of this Province and to the Honour of this Govern-
ment that I think myselfe obliged to Acquaint you therewith and to
have it Layed before you and I doubt not but I shall find an Equal
zeal in you to Support the Honour of this Province and the Security
& Safety of its Inhabitants on the Borders.

Sam Ogle

And The Petition of the President, Council and General Assembly
of the Province of Pensilvania, To the King in Council, The peti-
tion of the President and Council and of the General Assembly of
the Province of Pensilvania Most Humbly Sheweth

L. H. J.
Lib. No. 45

That the Provinces of Pensilvania and Maryland Lying Contiguous the Northern Bounds of Maryland being the Southern Bounds of Pensilvania, tho the Limits between them were never agreed on with any Exact Certainty before the Year 1732 yet Except in some Instances on the Part of Maryland the People of Either Provinces in making their Settlements Scarce ever varied above a mile or Two from the place which the old Lord Baltemore Set to Himselfe for the Northern Bounds of his Province above fifty years agoe but for the more Effectual Preventing any misunderstanding between the Proprietors and People of the said Two Provinces it was in the year 1723/4 agreed between the Present Lord Baltemore Proprietor of Maryland and Hannah Penn Widdow and Executrix of William Penn Late Proprietor of Pensilvania Deceased that for the avoiding all manner of Contention or Differences between the Inhabitants of the said Provinces no person or persons should be Disturbed or Mollested In their Possessions on Either Side nor any Land be Surveyed Taken up or Granted in Either of the Said Provinces near the Boundarys which had been Claimed or pretended to on Either Side which agreement tho it was to Continue Eighteen months only, yet it was Deemed to be Such a reasonable Expedient for preserving the peace upon the Borders of the Two Provinces where they lay Contiguous that it was Carefully Observed by the Government of Pensilvania as also Generally by the Government of Maryland until about the year 1732 when the Lord Baltemore and the Proprietors of Pensilvania at the Special Instance of the said Lord Baltemore, Solemnly Entered into Articles of agreement for Deviding the Province of Maryland from the Province of Pensilvania and the three Lower Countys of New Castle Kent and Sussex on Delaware Commonly Called the Territories of Pensilvania in which Articles it was Provided that a Certain Number of Commissioners should be Nominated on Each side for making out and running the Lines, agreed on and run as the Bounds between The Two Provinces and Countys aforesaid which Bounds were so particularly and Expressly Described and set down in the said Articles that there seemed no Doubt but the Same would have been Carried Into Execution according to the Tenor true Intent and meaning of the Said agreement yet so it is. May it Please the King that notwithstanding the Clearness of the Said Articles the Lord Baltemore and his Commissioners by Starting the most unreasonable Objection evade running the Lines thereby agreed on for the Boundaries between the Said Provinces and at the Same time the said Lord Baltemore and his Deputy Governour set up a Claim to the Lands lying on the South Side of Susquehannah River near Twenty miles further into the Province of Pensilvania than the Boundaries agreed on by the Said Articles; and making use of one Thomas Cresap (a Person of mean Circumstances and Infamous Character who had Taken

possession of a piece of Land in Lancaster County in the Province of Pensilvania formerly surveyed under the Proprietaries of the said Province) To persuade some Innocent German People Lately Come into Pensilvania who were Ignorant of our Language and Constitution to take possession of those lands and Acknowledge the Jurisdiction of the Lord Baltemore Assuring them at the same time of being free from Taxes and that they Should have protection from the Government of Maryland the said Cresap then proceeded with armed force to Seize and Hurrey to Prisons in Maryland Several of our Inhabitants who were Seated upon Lands above Twenty Miles within the Province of Pensilvania as well from those Boundaries set by Charles Lord Baltemore above fifty years since as from the Bounds agreed on by his present Lordship in the Year 1732 and the Better to Carry on the Designs of Maryland the Deputy Governour of the said Province vested the Said Cressap with the powers of a Civil Magistrate and Dignified him with a Military Commission furnishing him with a Large Quantity of fire Arms and Ammunition whereupon he became Exceedingly Insolent and Oppressive to the Peaceable Inhabitants of that part of the Country, to put a Stop to which proceedings the Deputy Governour of Pensilvania with the Advice of his Council Sent persons to the Deputy Governour of Maryland fully Authorized to Consert Measures for preserving peace and good Neighbourhood between the two Provinces by agreeing upon Some bounds to Limit their Jurisdiction without Prejudice to the right of Either of the Proprietors untill the Differences should be absolutely Settled Either between themselves or by Due Course of Law but so far was the Deputy Governour of Maryland from Enttring into any Such Pacifick Measures that the People of Pensilvania then in Prison were prosecuted upon Information preferred against them in the Courts of Maryland as having Intruded upon the Lord Baltemore Lands (and as they Call it) against his Lordships peace good rule and Government and Heavy fines laid on them, on pretence that they would not own the Authority of the Said Lord Baltemore and a Surveyor Guarded by Cressap with a Number of Armed men Came up into the Heart of Lancaster County to Survey Lands which had long before been Surveyed and Some of them Seated in right of the Proprietarys of Pensilvania and the Lord Baltemore and his Deputy Governour Still Continuing not only to Disregard all propositions for Avoiding these Differences and Endeavouring by all means to make void the Said Articles of Agreement our Proprietarys found themselves Obliged in the year 1735 to Exhibit their Bill of Complaint in the High Court of Chancery of Great Britain against the said Lord Baltimore wherein they have Set forth their right to the Lands in Question between them and Said Lord Baltimore which he had in a Solemn Manner Released to him by the said Agreement made in the year 1732 and have prayed the

L. H. J.
Lib. No. 45

L. H. J. Aid of that Honourable Court in Compelling the Execution of the
 Lib. No. 45 Same And Thereupon it was hoped that all further Differences Concerning the Limits and Bounds of the said Two Provinces would Cease untill that Controversey Should be Determined but Instead of Paying regard to the Authority of that High Court the Deputy Governour of Maryland after Notice of the Suit Commenced against
 p. 735 Lord Baltimore lest the Deluded People Should thereupon See their mistake Hastned up Into Lancaster County and with Sound of Trumpet before him Rode Amongst the Inhabitants to Animate and fortifie them in their Adherence to the Lord Baltimore and their Opposition to Pensilvania but finding that Neither his own Endeavours nor those of the aforesaid Cressap Notwithstanding the Countenance given him Could prevent those Germans who by false Suggestions had been prevailed on to own the Government of Maryland from returning to their first Proprietors of Pensilvania. The Deputy Governour of Maryland Sent up in September last about Three hundred men in Arms under proper Officers with Drums and Trumpets to Support the said Thomas Cressap and Strike Terror into the Inhabitants of Pensilvania the only Instance in America we humbly presume where one Brittish Collony have Taken upon them to Levy War upon Another but when the Officers who Commanded those forces from Maryland Appeared not forward to Committ Acts of Violence Such was the Inhumanity of the said Cressap that he urged them with great Vehemence to fire on Some of the People of Pensilvania who were goeing over the River in Boats to Inquire into the meaning of Such an Armament in that part of the Country but this Attempt was no Sooner Over than another Design was set on foot by Maryland to Dispossess those Germans, a Number of Men were Encouraged by the Deputy Governour of That Province to take Grants for those Lands who with an armed force were to Throw the miserable People with their Familys Women and Children out of their Plantations and from all the fruits of their Labours to be Exposed without Shelter to the Rigours of the Winter Season for no Other Reason than that they Could not in Conscience any Longer own the Lord Baltemore for their Proprietor while They were Seated on Lands that Cannot Possibly fall within the Limits of Maryland and for Affecting this Cruel Purpose the Said Cressap was furnished by the Deputy Governour of Maryland with about two hundred Small arms and Suitable Ammunition but tho by a Happy Providence their Project was Discovered Some of the Heads with Others of the Confederates being Seized in Pensilvania who have made a full Confession of the whole design as Projected by them with the Deputy Governour of Maryland, yet the Said Cressap was Authorized to List and Actually Listed men at the rate of Twelve pounds a year with Diet and Lodging Swearing them to be faithfull to the Lord Baltemore true to himselfe and to go upon all such Enterprises against the Pensilvanians as said Cressap Should Direct

he then Breathed Rage and fury Threatned Distruction Conserted with his People the Murther of some and Burning the Houses of Others the Inhabitants of Lancaster County Could now think themselves no Longer Safe after such a Discovery while the person Appointed to Execute all these designs was so Strongly Supported so furiously Animated and furnished with Such means of Distressing them but as the Principles of the People who first Settled the Province of Pensilvania and of those who at present have the Administration of the Government are well Known to be against all Millitary force and being Sensible that all Millitary Attempts of One Subject of the Crown of Great Brittain upon another are Unwarrantable they therefore only granted Legal Warrants to the Sheriff of Lancaster County for Apprehending the said Cressap that he might in a Course of Justice answer for the Notorious Offences he had Committed and the said Sheriff having for Some time been possessed of a Warrant from the Provincial Judges for takeing the Said Cressap on a Charge of Murther found by the Coroners Inquest the People being Justly alarmed by so manifest a Prospect of their Danger Called upon the Sheriff at all Events to Execute his Warrant in which they would Assist him for that they rather Chose at all Hazards to Attempt the Takeing that Dangerous and Barbarous man than to live Continually Exposed to his Violences Accordingly the Sheriff Attended with a Number of the Inhabitants of the Country (who Consist mostly of German Protestants and Other Europeans of the Communion of the Churches of England and Scotland of late years Arrived here) Went Over to Cressaps Dwelling in the morning Early, read at the Doore in his hearing and in the Hearing of his Accomplices in the House the Warrant he had to take him, requireing him to Surrender himselfe, but was answered only with Horrid Oaths and Imprecations and the Utmost Scurrility of Language and soon after he fired at the Company who also Discharged Some Shot at his House but without Intention of Doeing any Hurt; and thus they Continued untill Near Sunset when the People provoked by his Abuses and frequently fireing and finding no Other Possibility of Takeing him alive Set fire to the House which Consisted of some round unhewen Timber Logs Piled one on Another of not above the Value of five pounds Sterling and to which he had no right having before released his Tortious Possession to one of our Inhabitants and the House being on fire the Said Cressap with his Accomplices rushed out Loaded with Arms and fireing upon the Sheriff and his Company they wounded one of the Sheriffs men and happened to Kill one of their own before Said Cressap was Taken but notwithstanding the Takeing that Turbulent man we have Still Just reason to Apprehend yet further and greater Injurys from that Government large and Tempting rewards being promised in Proclamations And Otherwise by their Deputy Governour before the Take-

L. H. J.
Lib. No. 45

p. 736

L. H. J. ing of said Cressap for seizing Divers of our Inhabitants and Particu-
 Lib. No. 45 larly some of the Principal Magistrates of Lancaster County which
 we Can by no means here Divert without Entring into such an Open
 Rupture as Neither our Duty to our Sovereign nor our Religious
 Principles will Suffer us to Engage in

We Therefore most Humbly beseech our Gracious Sovereign the
 Common Father of all His People to take our Case into his Princely
 Consideration and that he will be pleased to Enjoyn the Said Lord
 Baltimore and all Others Claiming Authority under him to Desist
 from all further Acts of Violence to the People of Pensilvania: and
 that he do Confine himselfe to the Bounds and limits Set to his Prov-
 ince as well by his Grandfather as himselfe untill the same shall be
 determined by due Course of Law or to grant to us such Other relief
 as the King in his great Wisdom Shall Judge Equitable and Just and
 we his Humble Petitioners as in Duty Bound shall Ever pray.

Philadelphia } Signed in Behalfe of the Council, James Logan,
 Dec^r 11th 1736 } President

Signed by order of the Assembly, A. Hamilton,
 Speaker

Cot Ward and foure more from the Upper House Delivers M^r
 Speaker the following Message. (See page 107.)

And the following Address (See page 108.)

p. 742 The House Approves the Address and ordered a Message be pre-
 pared to morrow morning to be Sent to the Upper House Signifying
 the Approbation of this House

The House Adjourns untill to morrow morning at 9 of the Clock

August 16

Tuesday morning August 16th 1737

The House met According to Adjournment &c^a

Captⁿ Wright Appeared in the House this morning

The following Message (See page 108.)

Sent to the Upper House by Cot King and Eleven more.

The following Message. (See page 119.)

Sent to the Upper House with the Journal of Accounts by the
 Committee of Accounts

Cot Ward and three more from the Upper House Delivers M^r
 Speaker the following Message (See page 108.)

And the Address to the Kings most Excellent Majesty Signed by
 the Governor and President of the Upper House of Assembly.

M^r Speaker by order of the House Signed the Address to the
 Kings most Excellent Majesty which was Sent to the Upper House
 by Major Sprigg and Seven more with the following Message.
 (See page 109.)

A Bill Entituled an Act to revive an Act Entituled an Act for the Relief of Prisoners for debt read the first and Second time by an Especial order & will pass, and Sent to the Upper House by M^r George and nine more. L. H. J.
Lib. No. 45

Edmund Jenings Esq^r from the upper House Delivers M^r Speaker the Bill Entituled an Act to repeal an act Entituled an Act for the limitation of the time of Shipping Tobacco (See page 109.)

^r Which Bill with the Amendments proposed passed for Ingrossing. p. 743
An Ingrossed Bill Entituled an Act to prohibit the Exportation of Grain Bread and flower read and assented to by this House and Sent to the Upper House with the Paper Bill by M^r Key and M^r George

George Plater Esq^r from the Upper House Delivers M^r Speaker the following Message (See page 117.)

And the Bill Entituled an Act to revive an Act Entituled an Act for the relief of Prisoners for debt Indorsed read by the Upper House of Assembly 16th August 1737, the first and Second time by Especial order and will not pass.

A Bill Entituled an act for the Continuance of Actions in Several County Courts in this Province read first and Second time by Especial order and will pass Sent to the Upper House by M^r Tench Francis & M^r George Wilson.

Michael Howard Esq^r from the Upper House Delivers M^r Speaker the Bill Entituled an Act for the Continuance of Actions in Several County Courts in this Province Indorsed read by the Upper House of Assembly 1st and 2^d time by an Especial order and will pass, which Bill here passed for Ingrossing.

A Bill Entituled an Act for the relief of John Bradford a Languishing Prisoner in Prince Georges County Goal read the first and Second time by an Especial order and passed and Sent to the Upper House by Major Sprigg and M^r Stoddert.

An Ingrossed Bill Entituled an Act repealing an Act Entituled an Act for Limitation of the time of Shipping Tobacco read and assented to and Sent to the Upper House with the paper bill by M^r Stoughton and M^r Johnson. The House Adjourns until 2 of the Clock in the afternoon

Post Merediem The House met according to Adjournment &c^a

Ordered that the Treasurer of the Western Shore send to England for Sufficient Books Paper, Ink powder, and Parchment Necessary for the use of the Publick and that the Clerk of this House acquaint him Therewith.

Benjamin Tasker Esq^r from the Upper House Delivers M^r Speaker the Bill Entituled an Act for the relief of John Bradford a Languishing Prisoner in Prince Georges County Indorsed read the Second time and will pass the word Ten Instead of five, being In-

L. H. J. serted in the Tenth line of the Ninth page which Bill was here read
Lib. No. 45 and with the amendments proposed passed for Ingrossing.

An Ingrossed Bill Entituled an Act for the Continuance of Actions in Several County Courts in this Province. Read and assented to and Sent to the Upper House with the Paper Bill by Col Ward and Mr Jourdan.

Col Ward from the Upper House Delivers Mr Speaker the following Message (See page 119.)

And the Journal of Accounts Indorsed read and Assented to by the Up^r House of Assembly

A Bill Entituled an Act for Takeing out of the Office of the Commissioners or Trustees for Emitting the Bills of Credit the Several Sums herein mentioned and for repaying the Same into the Said Office by the Several Treasurers of this Province Read first and Second time by Especial order passed and Sent to the Upper House by Mr George and Mr Hall.

p. 744 Col Hammond from the Upper House Delivers Mr Speaker the Bill Entituled an Act for Takeing Out of the Office of The Commissioners or Trustees for Emitting the Bills of Credit, the several Sums therein Mentioned and for repaying the same into the said office by the Several Treasurers of this province.

Indorsed by the Upper House of Assembly August 16th 1737 read the first & second time by Especial order and will pass

Which Bill was here read and passed for Ingrossing An Ingrossed Bill Entituled an Act for the relief of John Bradford a Languishing Prisoner in Prince Georges County Goal read and assented to and Sent to the Upper House with the Paper Bill by Col Ward & Mr Denton

An Ingrossed Bill Entituled an Act for Takeing out of the Office of the Commissioners or Trustees for Emitting the Bills of Credit the Several Sums herein mentioned and for repaying the Same into the Office by the Several Treasurers of this Province was read and Assented to and Sent to the Uper House with the Paper Bill by Col Hanson and Mr Needles

George Plater Esq^r from the Upper House Delivers Mr Speaker the paper Bill Entituled an Act for the relief of John Bradford a Languishing Prisoner in Prince Georges County Goal and the Paper Bill Entituled an Act for Takeing out of the Office of the Commissioners or Trustees for Emitting the Bills of Credit the Several Sums herein mentioned.

The Paper Bill Entituled an Act for the Continuance of Actions in Several County Courts in this Province.

The Paper Bill Entituled and Act to repeal an Act Entituled an Act for Limitation of the Time for Shipping Tobacco

And the Paper Bill Entituled an Act to Prohibit the Exportation of Grain Bread and flower Severally Indorsed by the Upper House of Assembly Augst 16th 1737 L. H. J.
Lib. No. 45

The Ingrossed Bill whereof this is the Original is read and assented to

M^r Smith & Coll^o King ordered to acquaint his Excellency the Governor no publick business lyeth before the House to Transact

Coll^o Tilghman from the Upper house acquaints M^r Speaker the Governor requires him & the rest of the members of the Lower House of Assembly to attend him immediately in the Council Chamber to see the Bills past by both Houses Receive the Assent

M^r Speaker & the Rest of the members of the Lower House attended his Excellency the Governor in the Council Chamber

M^r Speaker Presented to his Excellency the Governor the following Bills (See page 120.)

All which was Signed by his Excellency the Governor & assented to on behalf of the Right Honble the Lord Proprietary & sealed with his Lordships greater Seal at Arms, after which his Excellency makes the following Speech (See page 120.)

Thus endeth the fourth Session of this Assembly begun & held at the City of Annapolis the Eleventh day of August & ending the Sixteenth day of the same month Anno Domini 1737. In the Eleventh year of his Majestys Reign & in the Twenty third year of his Lordships Dominion p. 745

Test M Macnemara Cl lo Ho.

ACTS

Lib. B. L. C. Maryland ss.
p. 185

At a Session of Assembly begun and held at the City of Annapolis the 11th Day of August in the twenty third Year of the Dominion of the Right Honourable Charles Absolute Lord & Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltemore &c Annoq Dom 1737 and Ending the 16th Day of the same month.

The following Laws were Enacted and Assented to by his Excellency Samuel Ogle Esq^r Governour

An Act to prohibit the Exportation of Grain Bread and Flour

Whereas the Great Drought which has happened this present Year will in all Probability occasion a Scarcity of Grain within this Province whereby the Inhabitants thereof Especially the poorer Sort are in danger of being reduced to want and misery unless the most Speedy and Effectual methods be taken to prevent the Exportation of Grain Bread and Flour And Whereas his Excellency the Governour in Order as much as in him lay to prevent so great a Calamity to the People as the Want of bread on the third Day of this Instant August with the Advice of his Lordships Honourable Councill issued his Proclamation to prohibit the Exportation of any Indian Corn Wheat or other Grain untill the fifteenth Instant and gave direction to publish the same with utmost Expedition as the best Expedient that Could have been used on so pressing an occasion untill the Legislature could make a more Effectual Provision therein which was the more necessary because the scarcity of Grain in Foreign Parts would have been an Inducement to Purchasers to have given Great Rates to such as would spare any and a Great price would probably have tempted people to have disposed off as much as they Could though with the Manifest Hazard of the Welfare of the Inhabitants of this Province For prevention whereof Be it Enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordships Governour and the Upper and Lower Houses of Assembly and the Authority of the same That any Master or Commander of any Ship or Vessell or any other Person or Persons who has or have taken or laden any Wheat Indian Corn or other Grain Meal Flour or bread on board of any ship or other Vessell with Intent to Export the same out of this Province since the publication of the said Proclamation who shall not within twenty Days after the Publication of this Act land the same shall forfeit such Wheat Indian Corn or other Grain Meal Flour or bread together with the full Value thereof one half to the Lord Proprietary the other half to the Informer who will sue for the same to be recovered

by Action of Debt Bill Plaint or Information wherein no Essoyn Lib. B. L. C. Protection or Wager of Law shall be allowed And be it Enacted that no Wheat Indian Corn or other Grain or Meal Flour or bread belonging to any of the Inhabitants of this Province which was laden on board of any ship or Vessell before the issueing of the said Proclamation shall be Exported or Conveyed out of this Province and that any such Inhabitant after the Publication of this Act who shall Export or Cause or suffer to be Exported or Conveyed or who shall sell Barter or otherwise dispose off or Cause to be bartered sold or otherwise disposed of any such Wheat Indian Corn or other Grain or meal Flour or Bread or who shall take or purchase the same with Intent to Export such Wheat Indian Corn Meal Flour or Bread out of this province shall forfeit and pay Treble the Value thereof to be recovered as aforesaid to the uses aforesaid And to the End that the Quantity of Grain Meal Flour or bread so laden and taken on board of any Ship or Vessell after the issueing the Proclamation aforesaid may be known

Be it Enacted by the Authority Advice and Consent aforesaid that it shall & may be lawfull for the Navall Officer or other officer of the Customs of the Port Place or District and they are hereby impowered and required where any Vessell having any Wheat Indian Corn or other Grain Meal Flour or bread on board which was laden as aforesaid shall lye or for the Sheriff of the County or any Justice of the Peace upon information or Complaint made of any Wheat Indian Corn or other Grain Meal Flour or bread being on board any Vessell as afore- p. 186 said immediately after the Expiration of the twenty Days allowed for relanding the same to go on board such Vessell to search for and Seize such Wheat Indian Corn or other Grain Meal Flour or Bread to the uses aforesaid and Cause the same to be measured secured and Landed in some Convenient Place at the Expence of the Owner or Proprietor in order to be proceeded against according to the Directions of this Act unless such Owner or Proprietor or the Master of such Vessell shall or will Discover upon his or their Oath or Oaths the true & just Quantity of such Wheat Indian Corn or other Grain Meal Flour or bread and Give Good & Sufficient Security to such Naval Officer or other Officer of the Customs Sheriff or Justice of the Peace as aforesaid payable to the Lord Proprietary with Condition to abide the Event and Determination of such Seisure or Suit as shall be had therein. And be it further Enacted by the Authority Advice and Consent aforesaid that if any Master of a Ship or other Vessell having such Wheat Indian Corn or other Grain Meal Flour or Bread on board or any other Person or persons whatsoever shall presume to resist beat or assault any Officer Sheriff Justice or other Person or Persons aiding and assisting such Officer Sheriff or Justice of the Peace in the Due Execution of their Duty required by this Act and be thereof Convicted upon Information or Indictment by

Lib. B. L. C. Verdict or Confession shall forfeit two hundred pounds Current money one half to the Lord Proprietary the other half to the officer Magistrate Sheriff or other Person or Persons, who shall be so resisted beaten or assaulted and that such Officer Sheriff or Magistrate shall be allowed a Legall Witness to prove the fact And be it further Enacted that any Master of a Ship or other Vessell who hath taken in or laden any wheat Indian Corn or other Grain or on board of whose Vessell any Wheat Indian Corn or other Grain hath been laden since the Publication of the said Proclamation and shall presume to Carry Convey or Export the same or Cause the same to be Carried Conveyed or Exported Contrary to the Tenor of this Act shall by such Carriage Conveyance or Exportation be liable to the Penalty of the forfeiture of the said Wheat Indian Corn or other Grain and treble the Value of the same one half thereof to his Lordship his Heirs and Successors the other half to the Informers who shall sue for the same to be recovered as aforesaid in manner aforesaid And be it further Enacted that any person or persons who shall lade Carry Convey or Export or Cause to be laden Carried Conveyed or Exported by Land or by Water or shall lade or take on board of any Vessell whatsoever or who shall Cause to be laden and taken on board of any Vessell whatsoever or lade or take into any Cart Waggon or other Carriage whatsoever or Cause to be laden or taken into any Cart Waggon or other Carriage whatsoever any wheat Indian Corn or other Grain or any Meal or bread with Intent to Export the same out of the Province or to Carry Export and Convey the same to any other Place whatsoever not being under the immediate Government of the Lord Proprietary of this province although such place may be within the bounds of this Province before the last Day of September which shall be in the year of our Lord one thousand seven hundred and thirty Eight shall forfeit all such wheat Indian Corn or other Grain and Meal Flour and Bread together with Double the Value thereof and also that where any such Wheat Indian Corn or other Grain or Meal Flour or Bread shall be attempted to be Carried or Exported by Land out of this province or to any other place not being under the immediate Government of the said Lord Proprietary of this Province although such place may be within the bounds of this Province that the Carts Waggons or other Carriages and the Harnesses therewith used and the Horses or other Draught Beasts used or Employed for that purpose and all Horses and other beasts of burthen that shall Carry or be in any wise used for the Carrying out such Wheat Indian Corn or other Grain Meal or Flour or bread with all Sacks or Baggs used for that purpose shall be forfeited to the uses aforesaid to be recovered as aforesaid and that in any suit or prosecution for any breach of this Act the Onus Probandi shall lye on the Defendant And be it further Enacted by the Authority Advice and Consent aforesaid that all Sheriffs Magistrates and other his Lordships Officers are hereby impowered and required

to aid and assist in putting this Act in Execution and that any officer or officers putting this Act in Execution shall by Virtue hereof be saved and Kept harmless and indempnified from all Suits and Troubles whatsoever for and Concerning anything by them or any of them in Pursuance of and in Compliance with the said Proclamation and according to the Tenour thereof to prevent the Exportation of Grain and in putting this Act in Execution and that if any Action or Actions shall be Commenced against any such officer or officers he or they may Plead the Generall Issue and give this Act and the Special Matter in Evidence and that if a Verdict be given against the Plaintiff or that he be non suit or discontinue his Action that the Defendant shall recover Double Costs Provided Always that this or any thing therein Contained or in the said Proclamation mentioned shall not Extend or be Construed to Extend to prohibitt or restrain taking on board any Ship or Vessell any Grain or Provision whatsoever necessary for victualling such Ship or Vessell for its Voyage but that such Ship or Vessell may be furnished and victualled for its intended Voyage as if this Act had never been made any thing therein Contained to the Contrary notwithstanding. And Provided also that it shall and may be lawfull for any person trading into this province and not being an Inhabitant thereof to Export out of this Province any Wheat Indian Corn or other Grain really and bona fide laden and taken on board any ship or Vessell in Order to be Exported before the issueing of the said Proclamation and not belonging to any of the Inhabitants of this Province any thing in the said Proclamation or in this Act to the Contrary notwithstanding And be it Enacted by the Authority aforesaid that when any Dispute shall happen concerning any Quantity of Wheat Indian Corn or other Grain which shall be alledged to have been laden or taken on board of any Ship or Vessell before the issueing the said Proclamation that such Dispute shall be heard and finally determined in a Summary way by three Justices of the Proper County not being of kin or affinity or Party Concerned in such Dispute or the Majority of such Justices and that the Onus Probandi shall lie on the person who had laden such Wheat Indian Corn or other Grain and that so much thereof not belonging to any of the Inhabitants of this Province as shall be sufficiently proved to the Satisfaction of the three Justices or any two of them if under Seisure shall be absolutely discharged And be it likewise Enacted by the Authority aforesaid that at any time upon Complaint made to the Naval Officer or other officer of the Customs of any Port Place or District where any Ship or other Vessell shall lye on board of which any Wheat Indian Corn or other Grain hath been laden since the issueing of the said Proclamation or for the sheriff of the County or any Justice of the Peace that such Ship or Vessell is on departing this Province and Exporting such Wheat Indian Corn or other Grain

Lib. B. L. C.

p. 187

Lib. B. L. C. Contrary to the Tenour of this Act to Enter on board such Vessell and if need be to seise and secure such Vessell and Lading untill the master or someother person shall either reland or give Sufficient Security in the sum of One thousand pounds Current money not to depart this Province without first relanding all Wheat Indian Corn and other Grain laden on board such ship or Vessell since the issuing the said proclamation

p. 188 An Act repealing an Act Intituled an Act for limitation of the time of Shipping Tobacco.

Whereas the very Great Shortness of the Crop now on the Ground occasioned by uncommon Drought this Summer renders the limitation of time of Shipping Tobacco very inconvenient to the trade of this Province Be it therefore Enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordships Governour and the Upper and Lower Houses of Assembly and the Authority of the same that an Act of Assembly Intituled an Act for limitation of the time of Shipping Tobacco made at a Session of Assembly begun and held at the City of Annapolis in the County of Ann Arundell on the twentieth Day of March in the year of our Lord One thousand seven hundred and thirty four be and is hereby repealed abrogated and made void and of none Effect.

An Act for the Continuance of Actions in Severall County Courts in this Province

Whereas severall of the Justices of the County Courts in this Province and some of the Attorneys practising in the same Courts are members of this Assembly and obliged to attend their Duty therein Be it therefore Enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordships Governour and the Upper and Lower houses of Assembly and the Authority of the same that all Actions Pleas Process and Proceedings either Civil or Criminall now depending in or returnable to any County Court in this Province which Cannot be holden or Cannot proceed on the business in the same Courts depending for want of the said Justices or Attornies shall be and are by Virtue of this Act Continued from the Courts which were or are to be holden according to Law in this month of August untill the Severall Courts which are to be held in November next any Law usage or Custom to the Contrary notwithstanding. And be it further Enacted by the Authority Advice and Consent aforesaid that the Justices of those Courts which Cannot be holden or proceed as aforesaid may by Virtue of this Act Continue any Cause returnable to or now depending in the same Courts for one other Court longer then they may do by the Laws of this province for the limitation of Actions any Law usage or Custom to the Contrary notwithstanding

An Act for the Releif of John Bradford a Languishing Prisoner in
Prince Georges County Goal.

Lib. B. L. C.
p. 189

Whereas the said John Bradford by his humble Petition to this Generall Assembly hath set forth that he hath Continued a Prisoner for debt in the Custody of the Sheriff of Prince Georges County and still Continues in the like Deplorable Circumstances not being able to redeem his Body with all the Estate and Interest he hath in the world which he would Deliver up and part with to his severall and respective Creditors if they would accept of the same and Grant the said Petitioner his liberty which seems so unlikely for him to obtain that unless relieved by a particular Act passed in his favour which by his said Petition he hath humbly prayed he must inevitably Continue a Prisoner for life And for that the truth of the said Petitioners Allegations are made appear to this Generall Assembly by sufficient Testimonies and that the said Petitioner is a fit Object of Charity and that his lying in Goal Can be no benefit to his Creditors It is humbly prayed that the said Petitioner may be releived according to his Prayer And that it may be Enacted And be it Enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordships Governour and the Upper and Lower Houses of Assembly and the Authority of the same that unless all or any of the Creditor or Creditors of the said John Bradford or the Attorney of such Creditors aforesaid within this Province shall within twenty Days after this Session of Assembly go to the Sheriff of the aforesaid County of Prince Georges and give good Security to pay the imprisonment fees the sum of ten pounds of Tobacco per Day that shall or may become Due from the said John Bradford after the End of the said Twenty Days and also find the said John Bradford Sufficient Meat Drink and Cloathing during his future imprisonment And in Case he the said John Bradford shall Deliver up and Surrender or Cause to be delivered up and Surrendered to the Sheriff of the County aforesaid in the Presence of two Justices of the Peace of the said County whom the said Sheriff is hereby required to summon on the request of the said John Bradford at some Convenient time after the Receipt of this Act not Exceeding ten days all his reall and Personall Estates Either in Possession reversion or remainder or in trust or in or unto which he hath any Claim or interest whatsoever and likewise before the Day before mentioned Convey assign transfer and make over unto the Sheriff of Prince Georges County for the use of the said Creditors all such his Estate interest or Claim as aforesaid after such Manner as by the said Sheriff and the Major part of such Creditors or such of them as shall think fit to direct therein or their Councill learned in the Law shall reasonably devise or require at the Cost and Charges of the Persons as shall Claim the benefit thereof so as the said John Bradford be not burthened with any Warranties thereby other than

Lib. B.L.C. from himself or those that Claim from by or under him and that the said John Bradford at the same time of such his Surrender and transferring his Estate as aforesaid shall take his Solemn Oath before the said two Justices of the Court aforesaid to be summoned as aforesaid to the Effect following (Viz) I John Bradford do solemnly swear that the Goods Debts and Effects which I have Delivered assigned and made over to the Sheriff of Prince Georges County and in Trust for the use of my Creditors is the whole Estate both reall and Personall of my own in possession or have any title to in the world and that I have not any Estate Goods or Effects of any kind whatsoever left Either in Possession reversion or Remainder (the necessary Wearing Apparell for myself wife and Children and Working Tools Excepted) and that I have not directly or indirectly sold leased or otherwise Conveyed disposed of or intrusted all or any part of my Estate thereby to defraud my Creditors or to secure the same to receive or Expect any Profit or advantage thereof, So help me God it shall and may be lawfull for the Sheriff of the County aforesaid after the end of the said twenty Days and the said Sheriff is hereby required to discharge the said John Bradford out of his Custody and suffer him to go at large And be it further Enacted by the Authority aforesaid that if the said John Bradford shall hereafter be imprisoned by reason of any Judgment or Decree obtained for the payment of any Debt Damage or Cost or for or by reason of any Damage or Cost Contracted occurred or occasioned owing or growing Due before the End of this Session of Assembly but that upon Every such Arrest on any such Judgment or Decree or for any such Debt Damage or Cost it shall or may be lawfull for the Judge or

p. 190 Justices of the Court where any Process shall issue upon shewing a Duplicate of the Discharge of the said John Bradford being so arrested to release and discharge out of Custody the said John Bradford Provided the said Prisoner being so arrested shall and do Enter his appearance or procure some Attorney to appear to every such Action and plead thereto Provided that the Discharge of the said John Bradford shall not acquit any other person from such Debt Damage or Cost or any part thereof but that all such Persons shall be answerable for the same in such Manner as they were before the passing of this Act Provided always and be it Enacted by the Authority aforesaid that notwithstanding the Discharge of the said John Bradford all and Every Debt or Debts due and owing from him and all and Every Judgment had and taken or Decree obtained against him shall stand and be good and Effectual in Law to all intents and Purposes against the Lands Tenements and Hereditaments Goods or Chattells of him which he or any other Person in trust for the use of him at the time of the Discharge of the said John Bradford or which he at any time hereafter shall or may be any way Seized or Possessed of or interested in to his own use or his

Proper Right Either in Law or Equity (Except the Wearing Apparel and bedding or working Tools of him not Exceeding the sum of ten pounds Current money) and it shall and may be lawfull for any of his Creditors their Executors Administrators or assignes to take out new Execution or Executions against the Lands Tenements or other Hereditaments Goods and Chattles of the said John Bradford (Except before Excepted) for the satisfaction of his Debts in such Sort Manner and form as he or they might have Done if the said John Bradford had not been taken in Execution or discharged by Virtue of this Act And be it Enacted by the Authority aforesaid that if any Action of Escape be brought against the Sheriff or any Suit or Action against any Justice or Justices for the performing their Office in Pursuance of this Act he may plead the Generall Issue and give this Act and the Matter in Evidence if the Plaintiff be non-suit or discontinue his or her Action or Verdict pass against such Plaintiff or Judgment upon Demurrer the Defendant shall have and recover Double Costs Provided also that nothing in this Act shall Extend or be Construed to Extend to barr any Creditor or Creditors of the before mentioned Prisoner from having and Maintaining any Action of Escape against the Sheriff who hath permitted his Escape before the making of this Act Provided nevertheless that in Case the said John Bradford shall at any time after making such his Oath or Oaths as aforesaid be Convict of Willfull and Corrupt perjury thereupon or of a Willfull breach or non Compliance with the Tenor of such Oath as aforesaid that then the said John Bradford being Convicted as aforesaid shall upon Such Conviction as aforesaid be wholly deprived of any benefit intended to him by this Law and shall from thenceforth be liable to be prosecuted for any Debt or Demands whatsoever in the Same Manner as if this Act had never been made any thing to the Contrary notwithstanding Provided Always that the Sheriff of Prince Georges County shall be first satisfied his imprisonment fees out of the respective Effects of the said prisoner before any Creditor or Creditors shall have any share of the Prisoners Effects And if the said Prisoners Effects shall not be Sufficient to Satisfye the Sheriff his Imprisonment fees that then the said John Bradford shall Satisfye and pay to the Sheriff the residue of his imprisonment fees Provided that the said Sheriff shall not prosecute or imprison the said John Bradford within two years after his releasement anything in this Act to the Contrary notwithstanding.

An Act for taking out of the Office of the Commissioners or Trustees for Emitting the Bills of Credit the severall Sums herein mentioned and for repaying the same into the said office by the Severall Treasurers of this Province p. 191

Forasmuch as it is thought Convenient by this Generall Assembly that the Demands on the Publick should be discharged out of the

Lib. B. L. C. Office of the Commissioners or Trustees for Emitting the Bills of Credit Be it therefore Enacted by the Right Honourable Lord Proprietary by and with the Advice and Consent of his Lordships Governour and the Upper and Lower Houses of Assembly and the Authority of the same that the said Commissioners or Trustees do and the said Commissioners or Trustees are hereby required and authorized immediately to pay to the severall persons who have at present any Demands upon the Publick the severall Sums of Money due to such persons as they shall appear to be stated and ascertained in the Journalls of Accounts of this Present and the last Sessions of Assembly read and assented to by both Houses And be it further Enacted by the Authority aforesaid that within six months from the End of this Present Session of Assembly the said Commissioners or Trustees shall send or Deliver to the severall Treasurers of this Province the Totall and Just sum of such moneys as they do and are hereby required to pay by Virtue of this Act as also the Charges of Commission allowed to the said Commissioners or Trustees by this Act for paying and receiving the same which said Sum or Sums the said Treasurer or Either of them are hereby required and authorized to pay to the said Commissioners or Trustees as soon as Conveniently may be out of the monies which they or Either of them have received or shall receive payable in Bills of Credit for any Duties Imposts or Customs imposed by any Acts of Assembly of this Province so that the said sum or Sums may be fully replaced and paid into the said office according to the Intent of this Act And be it further Enacted by the Authority Advice and Consent aforesaid that the said Commissioners or Trustees for their Trouble in putting this Act in Execution are hereby authorized to take to their own use the Sum of two and a half pounds per Cent for all the Monies which shall be paid or received by them by Virtue of this Act and so prorato for any lesser sum.

PROCEEDINGS
OF THE
GENERAL ASSEMBLY
OF THE
PROVINCE OF MARYLAND

*At a Session held at Annapolis, May 3-23, 1738.
Being a Convention of the General Assembly Elected in 1738.*

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

SAMUEL OGLE,
Governor.

PROCEEDINGS
THE UPPER HOUSE OF ASSEMBLY

At a Convention of Assembly begun and held at the City of Annapolis on Wednesday the third Day of May in the twenty fourth year of his Lordships Dominion Annoq Domini 1738

Present

His Excellency Samuel Ogle Esq^r Governor

| | | | | |
|-------------------|---|---|---|---|
| The honourable | { | Benjamin Tasker Esq ^r Philip Lee Esq ^r George Plater Esq ^r | } | Edmund Jenings Esq ^r Col ^o Char. Hammond |
|-------------------|---|---|---|---|

Col^o Mackall from the Lower house acquaints his Excellency that there is a sufficient Number of Members met to make a House and wait his Excellencys Commands

Edmund Jenings Esq^r and Col^o Charles Hammond are sent down to the Lower house to adminster the several Oaths to the Governm^t appointed to be taken by Act of Assembly of this Province to the severel members of that house and Ordered that the Clerk of this house attend them who administred the said Oaths to the Several members then present and they all subscribed the Oath of Abjuration and Test.

Philip Lee and George Plater Esq^r are sent to acquaint the Lower house that his Excellency requires their attendance in the upper house immediately

U. H. J.
No. 33
May 3
p. 510
[On Feb. 1
the meeting
of the
Assembly
was post-
poned until
May (28
Archives
133.)
Council met
on May 5, 9,
10, 15, 17,
23.]

U. H. J. The Lower house attend and his Excellency Orders them to return
 No. 33 to their own House and make choice of a Speaker.

Mess^{rs} Dulany and Hanson from the Lower House acquaint his Excellency their house hath made choice of a Speaker

Benjamin Tasker Esq^r is sent to the Lower house to inform them his Excellency requires their Attendance in the Upper house to present their Speaker for his approbation

The whole House attend and present John Mackall Esq^r as their Speaker with which Choice his Excellency declares himself well pleased whereupon his Excellency makes the follow^g Speech

p. 511 Gentlemen of the Upper and Lower Houses of Assembly

I am sorry our late news has given me so just an Occasion of Condoling with you on the death of that most Excellent Princess Our late most Gracious Queen whose great and Royal Virtues rendered her Person when living truly amiable to all his Majestys Subjects and must endear her name to latest Posterity

Among the several Laws that will expire this Session & may be thought expedient to be revived the duty of my Station Obliges me to recommend particularly to your care the Act for purchasing arms and Ammunition and I can make no doubt of your Readiness to continue a Fund which is to provide as far as it will Go in so essential a Manner for the Safety of this Province and the Security of its Inhabitants

I cannot omit participating to you the Satisfaction I have had on the Receipt of his Majestys Most Gracious Order in Council for restoring and preserving Peace and Quietness on our Borders and I think it no inconsiderable Circumstance of our Happiness that this Tranquillity has been procured by the Generous & indulgent Care of our Lord Proprietary without the Load of an Extraordinary publick supply while our neighbors have Raised large sums for the carrying on of those disturbances equally prejudicial to themselves as to us whatever unhappy notions may have been instilled into them by those whose Interest it was to deceive them and I hope we may with Justice say that whatever Inclinations to Peace our Neighbouring Government might pretend or amuse their People with or whatever Applications they have seemed to make to his Majesty yet this restored Peace and Quietness are founded only on the humble and sincere Instances and desires from this Province

His Lordship has not shewn less Benevolence towards his tenants in his late Order to his Agent for the settling of the Rates of Foreign Gold and Silver to be taken in discharge of his Quit rents and Alienation Fines

These remarkable Instances of his Lordships great Goodness are
 p. 512 such unquestionable Proofs of his Sincere inclinations and endeav-

ours for the Happiness and Prosperity of this Province that I flatter myself with the hopes of seing such Effects from the most perfect mutual Good Harmony and Confidence amongst all the Branches of the Legislature as only can effectually Compleat the happy Condition of this or any other Country and you may be Assured of my utmost Assistance and good wishes for such a desirable Purpose

U. H. J.
No. 33

Mess^{rs} Dulany and Denton from the lower house acquaint his Excellency that their house have made Choice of M^r Michael Macnemara for their Clerk and hopes for his Excellencys approbation to whom his Excellency is pleased to declare that he doth approve of M^r Michael Macnemara to be Clerk of the Lower house

Mess^{rs} Dulany and Denton from the Lower house attend with M^r Michael Macnemara Clerk of the said house in Order to see him Qualified who takes the oaths to the Government appointed to be taken by Act of Assembly and subscribes the Abjuration and test according to the directions of the said act and also takes the usual Oath of Office and then withdrew

Adjourned till to Morrow Morning nine of the Clock

Thursday morning 4th May 1738

May 4

This house met again according to Adjournment

Present as Yesterday

Mess^{rs} George and Pemberton from the Lower house attend with M^r Kennard and M^r Smith two of the members elected for Kent County and with M^r Clayton and M^r Wright two of the members Elected for Queen Anns County in order to see them qualified who take the Oaths to the Government appointed to be taken by act of Assembly and severally subscribe the Abjuration and Test and then withdrew

Messrs. Kennard and Smith from the Lower House attend with M^r Hynson a member elected for Kent County in order to see him qualified who takes the Oaths to the Government appointed to be taken by Act of Assembly and Subscribes the abjuration and Test and then withdrew

p. 513

Adjourned till two of the Clock in the afternoon

Eodem die Post Meridiem

This house met again according to Adjournment

Present as in the morning with the Addition of Col^o Tilghman and Col^o Ward.

Messrs Matthews and Smith from the Lower house attend with M^r Thomas M^r Robert Lloyd and M^r Edward Lloyd three of the members elected for Talbot County in Order to see them qualified

U. H. J. who take the Oaths to the Government appointed to be taken by Act
No. 33 of Assembly and severally subscribe the Abjuration and Test and then withdrew

Mess^{rs} Smith and Weems from the Lower house attend with M^r Benjamin Mackall a member elected for Calvert County in Order to see him qualified who takes the Oaths to the Government appointed to be taken by Act of Assembly and Subscribes the Abjuration and Test and then withdrew

M^r Robert and Edward Lloyd from the Lower house attend with M^r Goldsborough a member elected for Talbot County in order to see him qualified who takes the Oaths to the Government appointed to be taken by Act of Assembly and Subscribes the Adjuration and Test and then withdrew

Adjourned till to morrow morning nine of the Clock

May 5

Friday morning 5th May 1738

The house met again according to Adjournment

Present as yesterday

Co^t Tilghman attended by the members of this House presents to his Excellency the Governor the address of this house which follows in these words

p. 514 To his Excellency Samuel Ogle Esq^r Governor and Commander in chief in & over the Province of Maryl^d

The humble Address of the Upper house of Assembly

May it please your Excellency

We beg leave to assure your Excellency that your just Condolance of the death of that most Excellent Princess our late most Gracious Queen meets with that unfeigned Sorrow and Concern in our Breasts which every British Subject must very sensibly feel on this melancholy occasion for the loss of a life so inestimably precious in the Eyes of all true Lovers of our Country and which we and our Posterity must always with the highest Gratitude and admiration remember to have been constantly employed in particular Acts of Care and tenderness for the Prosperity of all his Majestys Subjects and a most extensive Good will for the happiness of mankind.

We receive your Excellencys Recommendation of reviving the Act for purchasing arms and ammunition with as thankful a Sense of your Excellencys prudent and laudable zeal for the Safety of this Province and its Inhabitants as of the good opinion you are pleased to entertain of our Readiness towards so just and necessary an end for which we shall not be wanting in Our Parts

Be pleased to accept our sincere Thanks for the Satisfaction your Excellency has been so kind to participate to us from the Receipt of his Majestys most Gracious Order in Council for restoring and preserving peace and quietness on our Borders and that our happiness on this Occasion might not be imperfect our most Generous and indulgent Lord Proprietary has taken an uncommon care that the sweetness of Peace should be embittered or the news of it less Welcome to us by the Load of an extraordinary publick Supply his Lordships Conduct in this is the more remarkably worthy of a Proprietary as that he wanted not a Precedent from a neighbouring Province how to get a Sum of money by the fatal miseries and Calamities of Contentions and disturbances which tho continued with like Prejudice to that Country from whence they took their Rise, as to this Province yet ended with this difference that the Inhabitants there have paid for pretended inclinations and amusing applications whilst we enjoy the desirable Effects of humble and sincere instances for Peace without any other Compliment than a grateful Acknowledgment of our Lord Proprietarys watchful Care and Regard to the Welfare of this Province

U. H. J.
No. 33

[not probably omitted before embittered]

p. 515

To the same Principles of Benevolence and Affection for his Lordships Tenants his Lordships late order for Settling the Rates of Foreign Gold and Silver to be taken in discharge of his Quit Rents and Alienation Fines is owing and as we cannot be insensible of the Conviction which these remarkable Instances of his Lordships Great Goodness carry with them of his sincere inclinations & endeavours for the Happiness and Prosperity of this Province; We think Our selves Strongly Obliged (if we can) any disappointment to your Excellency in your hopes of seeing the best Effects towards Compleating the happy Condition of this Country from the most perfect mutual good Harmony amongst all the Branches of Our Legislature formed upon the model of the Blessed English Constitution so well suited to the Temper and Genius of true Englishmen that every British Subject (except such who are either ignorant of that Constitution or are actuated by some other Spirit than that of an Englishman) look on it as the chief Honour and Happiness of themselves and Envy of other nations and we can the more safely promise to ourselves the greatest Felicity from this Establishment since you Sir preside over us and have always added truth to your repeated Assurances of your utmost Assistance and Good wishes for perfecting the happy Condition of this Country

[to prevent probably omitted after if we can]

R^d Tilghman, President

Adjourned till two of the Clock in the Afternoon

U. H. J.
No. 33

Eodem die Post Meridiem

This house met again according to Adjournment

Present as in the morning

A Bill from the Lower house by Mess^{rs} denton and Lloyd entitled an Act repealing an Act entitled an Act for the speedy and effectual Publication of the Laws of this Province and for the Encouragement
p. 516 of William Parkes of the City of Annapolis Printer as also one other act entitled an Act reviving an Act of Assembly entitled an Act for the speedy and effectual Publication of the Laws of this Province and for the Encouragement of William Parks of the City of Annapolis Printer and also one other act entitled a supplementary Act to the Act entitled an Act for the speedy and more Effectual Publication of the Laws of this Province and for the Encouragement of William Parkes of the City of Annapolis Printer thus endorsed

By the Lower house of Assembly 4th May 1738

Read the first time and Ordered to lye on the Table

Signed p Order M Macnemara Ct Lo H.

By the Lower house of Assembly 5 May 1738

Read the second time and will pass

Signed p Order M Macnemara Ct Lo H.

Read the first time in this House & ordered to lye on the Table

Read the Petition of the Vestrymen and others Inhabitants of Queen Anns [Parish] in Prince Georges County praying that an act may pass to levy One hundred Pounds upon the Taxable Persons in the said Parish towards repairing the Chappel built therein by the late M^r Henderson and for building a warm vestry Room with a fire Place therein Recommended to the Consideration of the Lower house and sent by Col^o Hammond

Adjourned till to morrow morning nine of the Clock

May 6

Saturday morning 6th May 1738

This house met again according to Adjournment

Present as yesterday

Read the Petition of the Reverend M^r John Lang Rector of Saint James' Parish in Ann Arundell County praying a Bill may be brought in enabling him the said John Lang to improve the Lands left for the use of the said Parish by leasing the same for Lives or a term of Years or for reimbursing him the said John Lang what money
p. 517 he has expended on the Improvements made by him on part of the

said Land Referred to the Consideration of the Lower house and sent U. H. J.
by Edmund Jenings Esq^r No. 33

His Excellency is pleased to Communicate his answer to the
address of this house in the following words

Gentlemen of the Upper house of Assembly

I Return you my hearty Thanks for your kind Address and cannot
but be very much Pleased with the Sense you Express of the Sin-
cerity of my Inclinations for the Prosperity of the Province which
I shall at all times endeavour to promote to the utmost of my Power

Samuel Ogle

Read the second time the Bill Entituled an Act repealing an Act
Entituled an act for the speedy and Effectual Publication of the
Laws of this Province and for the Encouragement of W^m Parkes
of the City of Annapolis Printer as also one other act entituled an
Act reviving an Act of Assembly entituled an act for the speedy and
effectual Publication of the Laws of this Province and for the En-
couragement of William Parks of the City of Annapolis Printer as
also one other Act entituled a supplementary act to the act entituled
an Act for the speedy and more effectual publication of the Laws of
this Province and for the encouragement of William Parks of the
City of Annapolis Printer passed and sent by George Plater Esq^r

Adjourned till three of the Clock in the afternoon

p. 518

Eodem Die Post Meridiem

This house met again according to Adjournment

Present as in the morning

Messrs. Goldsborough and Lloyd from the Lower house attend
with M^r John Brannock a member elected for Dorchester County
in order to see him qualified who takes the Oaths to the Government
appointed to be taken by act of Assembly and subscribes the Abjura-
tion and Test and then withdrew

Adjourned till Monday morning nine of the Clock

Monday Morning 8th May 1738

May 8

This house met again according to Adjournment

Present

| | | | |
|---------------------------|---|--------------------------------------|----------------------------------|
| The hon ^{ble} | { | Col ^o Richard Tilghman | George Plater Esq ^r |
| | | Col ^o Math. Tilghman Ward | Edmund Jenings Esq ^r |
| | | Benjamin Tasker Esq ^r | Col ^o Charles Hammond |
| | | Philip Lee Esq ^r | |

U. H. J. Mess^{rs} Brannock and Lloyd from the Lower house attend with
 No. 33 Mess^{rs} Hooper Trippe and Ennals members elected for Dorchester
 County in order to see them qualified who take the oaths to the Gov^t
 appointed to be taken by Act of Assembly and also severally sub-
 scribe the Abjuration and Test and then withdrew

A Bill from the Lower House by Mess^{rs} George and Weems En-
 titled an act for repealing that part of an act of Assembly entitled
 an act to prohibit the exportation of Grain Bread and Flour so far
 as relates to the exportation of Wheat Bread and Flour only thus
 Endorsed

By the Lower house of Assembly 5th May 1738

Read the first time and Ordered to lye on the Table

Signed p Order M Macnemara Ct Lo H.

By the Lower house of Assembly 8 May 1738

Read the second time and will pass

Signed p Order M Macnemara Ct Lo H.

Vide
 Black Book
 No. 6
 Letter
 No. 49
 p. 519

Read the first time in this house and Ordered to lye on the Table
 Read the Petition of Matthew Wallace Garrett Vansant Matthew
 Wallace junior and Thomas Hinson and his wife Devisees of Daniel
 Pearce of the Province of Maryland praying Leave to bring in a Bill
 to repeal an act of Assembly made Anno 1720 Entitled an Act
 investing an Estate of Inheritance in fee simple of 1200 Acres Part
 of a tract of land Called new Munster lying on Elk River in Cecil
 County in Richard Thatcher of the same County to him his heirs and
 Assigns for ever & 300 Acres more part of the said Tract called
 New Munster in Peter Massay and Sarah his wife to them and their
 heirs and Assigns for ever and to Confirm an act of Assembly made
 Anno 1711 empowering Robert Roberts of Queen Anns County to
 sell Part of a Tract of Land lying in Cecil County called new
 munster late the Land of John Toas for the uses therein mentioned
 and to make Good and Valid such sale Rejected

Adjourned till two of the Clock in the afternoon

Eodem die Post Meridiem

This house met again according to adjournment

Present as in the morning

Messrs. George and Colvile from the Lower house attend with
 Levin Gale Esq^r Mess^{rs} King Henry and Stoughton members elected
 for Somerset County in order to see them qualified who takes the
 Oaths to the Government appointed to be taken by Act of Assembly
 and Severally Subscribe the Abjuration and Test and then withdrew

Adjourned till to morrow morning nine of the Clock

Tuesday morning 9th May 1738

U. H. J.
No. 33
May 9

This house met again according to Adjournment

Present as yesterday

Read the Petition of Sundry the Freeholders of Somerset County praying Leave to bring in Bill to perpetuate the Boundaries of their Lands in the said County either by Processioning or some other manner as may be thought fit and Convenient Referred to the Consideration of the Lower house of Assembly and sent by Philip Lee Esq^r

Read the Petition of sundry the Inhabitants on the Seaboard side of Somerset County praying that an act may be passed Enabling them to export Wheat and Indian Corn as they might have done before the making the Act prohibiting the Exportation thereof.

Adjourned till two of the Clock in the afternoon

p. 520

Eodem die Post Meridiem

This house met again according to Adjournment

Present as in the morning

A Bill from the Lower house by Mess^{rs} Sprigg and Wootton entitled an Act to empower the Justices of Prince Georges County to raise levy and assess the money therein mentioned on the Taxable Inhabitants of Queen Anns Parish in said County to repair the Chapple in the said Parish and for applying part of what Tobacco or Money shall be hereafter levied on the application of such Vestrymen and Church Wardens to the keeping the same Chappel in repair for the future thus endorsed

By the Lower house of Assembly 9th May 1738

Read the first and second time by an especial Order and will pass

Signed 7th Order M Macnemara C^t Lo H.

Read the first time in this house and Ordered to lye on the Table

Read the first time the Bill prepared in this house entitled an Act to prohibit the Importation of and Selling Horses in this Province brought from any Colony Province Plantation or Place on this Continent into this Province and ordered to lye on the Table

Adjourned till to Morrow morning nine of the Clock

Wednesday Morning 10th May 1738

May 10

This house met again according to Adjournment

Present as yesterday

Read the second time the Bill entitled an Act for repealing that part of an Act of Assembly entitled an act to prohibit the exporta-

U. H. J. tion of Grain Bread and Flour so far as relates to the exportation of
 No. 33 Wheat Bread and Flour only Passed and sent by Benjamin Tasker
 Esq^r

Read the second time the Bill entituled an Act to Prohibit the
 Importation of & selling Horses in this Province brought from any
 p. 521 Colony Province Plantation or Place on this Continent into this
 Province passed and sent by Col^o Ward

Adjourned till three of the Clock in the afternoon

Eodem die Post Merediem

This house met again according to Adjournment

Present as in the morning

Adjourned till to Morrow morning nine of the Clock

May 11

Thursday Morning 11 May 1738

This house met again according to adjournment

Present as yesterday

Read the Petition of Benjamin Howard of Ann Arundell County
 praying Leave to bring in a Bill to Cut of the Entail of a Tract of
 Land called Ropers Neck Containing 230 Acres and to settle a tract
 of Land called Ovenwood Thickett containing 200 Acres and part
 of a Tract of Land called Fowlers Range containing 30 acres in Lieu
 thereof Recommended to the Consideration of the Lower house of
 Assembly and sent by Edmund Jenings Esq^r

Read the second time the Bill entituled an Act to empower the
 Justices of Prince Georges County to raise levy and assess the money
 therein mentioned on the taxable Inhabitants of Queen Anns Parish
 in said County to repair the Chappel in the said Parish and for
 applying part of what Tobacco or money shall be hereafter Levied
 on the Application of such Vestry men and Church Wardens to the
 keeping the same Chappel in Repair for the future passed with the
 following Amendments in the 14th Line of the first Page the
 words, and likewise a Convenient warm Room with a fire Place for
 accommodation of such of the said Parishioners as shall resort to the
 said Chappel to be left out & sent by George Plater Esq^r

Read the Petition of John Lang Rector of Saint James Parish in
 Ann Arundell County praying a Bill may be brought in to enable
 him to lease the lands bequeathed by James Rigby & Nicholas Tenett
 to the Minister of the said Parish for three Lives or twenty One
 Years reserving an Annual Rent payable to the Minister of the said
 p. 522 Parish for the time being Recommended to the Consideration of
 the Lower house of Assembly and sent by Philip Lee Esq^r

Read the Petition of Rachel Welch Richard Snowden and Robt Welch of Ann Arundell County Executors of the last will and Testament of John Welch of Ann Arundell County deceased praying Leave to bring in a Bill empowering them to sell and dispose of a tract of Land called Richard and John that being the true intent of the Testator instead of a Tract of land called Snowden and Welch which was the name of the Tract mentioned in the will of the said John Welch Rejected

Vide
Black Book
No. 4
Letter No. 69

Read the Petition of several Inhabitants of Part of Talbot County praying a Bill may be brought in to erect a new Parish in said County as expressed by the Bounds in the said Petition and to divide the Parishes in the said County after the deaths of the present Incumbents in Order to make a sufficient Competency for the Clergyman of the said intended Parish

Vide
Black Book
No. 10
Letter No. 27

Adjourned till three of the Clock in the afternoon

Eodem Die Post Meridiem

This house met again according to Adjournment

Present as in the Morning

A Bill from the Lower house by Mess^{rs} Moale and Weemes Entitled an Act to encourage the making of Linen Cloth within this Province of Flax or Hemp of the Growth thereof thus endorsed

By the Lower house of Assembly 10 May 1738

Read the first time and Ordered to lye on the Table

Signed p Order M Macnemara Ct Lo H.

By the Lower house of Assembly 11 May 1738

Read the second time and will pass.

Signed p Order M Macnemara Ct Lo H.

Read the first time in this House and Ordered to lye on the Table.

Read the Petitions of Philip Fynn and Ezekiel Orrick languish^g p. 523 Prisoners in Ann Arundell County Goal Peter Hyatt and James Ranton in Prince Georges County Goal William Gibson and William Jones in Queen Anns County Goal and of William Bishop in Saint Marys County Goal Referred to the Consideration of the Lower house of Assembly and sent by Col^o Hammond

Two Bills from the Lower house by Mess^{rs} Henry and Ennals One entitled an act reviving an Act of Assembly Entitled an act for the Advancement of Justice the other entitled an act reviving an act of Assembly entitled a Supplementary Act to the Act entitled an Act laying an Imposition on negroes and on several Sorts

U. H. J. of Liquors and also on Irish Servants to prevent the importing too
No. 33 great a number of Irish Papists into this Province thus Endorsed.

By the Lower house of Assembly 10th May 1738

Read the first time and Ordered to lye on the Table

Signed p Order M Macnemara Ct Lo H.

By the Lower house of Assembly 11 May 1738

Read the second time and will pass

Signed p Order M Macnemara Ct Lo H.

Read the first time in this house and Ordered to lye on the Table

An Engrossed Bill from the Lower house by [Mr. Waughop and Mr. Weems]

Entituled an Act repealing that Part of an Act of Assembly Entituled an Act to prohibit the Exportation of Grain Bread and Flour so far as relates to the Exportation of Wheat, Bread and Flour only thus subscribed

11 May 1738

Read and assented unto by the Lower house of Assembly

Signed p Order M Macnemara Ct Lo H.

Read and Assented to by this house and Ordered to be so subscribed.

A Bill from the Lower house by Messrs Sheredine and Rumsey Entituled an Act reviving an Act of Assembly entituled an Act for Naturalization thus endorsed.

p. 524

By the Lower house of Assembly 10th May 1738

Read the first time and Ordered to lye on the Table

Signed p Order M Macnemara Ct Lo H.

By the Lower house of Assembly 11 May 1738

Read the second time and will pass

Signed p Order M Macnemara Ct Lo. H.

Read the first time in this house and Ordered to lye on the Table
Adjourned till to morrow morning nine of the Clock

May 12

Friday morning 12th May 1738

This house met again according to Adjournment

Present as yesterday

Vide
Black Book
No. 8
Letter No. 75

Read the Petition of Mathew Browne of Queen Anns County praying Leave to bring in a Bill to cut of the Entail of One hundred

Acres of Land part of a tract of Land called Scyllia and to invest him with an Estate in fee Simple therein Rejected U. H. J.
No. 33

Read the second time the Bill entitled an Act reviving an Act of Assembly entitled a Supplementary Act to the Act entitled an Act laying an Imposition on Negroes and on several sorts of Liquors and also on Irish Servants to prevent the Importing to great a number of Irish Papists into this Province passed and sent by Edmund Jenings Esq^r

Read the second time the Bill Entitled an act reviving an Act of Assembly Entitled an Act for Naturalization and read the second time the Bill entitled an Act reviving an Act of Assembly Entitled an Act for the Advancement of Justice as also an Act of Assembly Entitled a Supplementary Act to the Act for Advancement of Justice passed & sent by George Plater Esq^r

Two Bills from the Lower House by Mess^{rs} Matthews and Rumsey one entitled an act reviving an Act of Assembly Entitled an Act for relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law as also an Act of Assembly Entitled a Supplementary Act to the Act for relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law the other entitled an Act reviving an Act of Assembly Entitled an Act to prevent the Injuring Harbours within this Province and for repealing the Act therein mentioned severally thus Endorsed p. 525

By the Lower House of Assembly 11 May 1738

Read the first time and Ordered to lye on the Table

Signed p Order M Macnemara Cl Lo H.

By the Lower House of Assembly 12 May 1738

Read the second time and will pass

Signed p Order M Macnemara Cl Lo H.

Read the first time in this house and Ordered to lye on the Table

Two Bill from the Lower house by Mess^{rs} Stoughton & Lloyd One Entitled an Act reviving an Act of Assembly Entitled an Act concerning Ordinaries and for the better regulating of Inn holders & Ordinary Keepers within this Province the other Entitled an Act reviving an act of Assembly entitled an Act for licensing Pedlars and Hawkers severally thus endorsed

By the Lower House of Assembly 11 May 1738

Read the first time and Ordered to lye on the Table

Signed p Order M Macnemara Cl Lo H.

U. H. J.
No. 33

By the Lower House of Assembly 12 May 1738

Read the second time and will pass.

Signed p Order M Macnemara Ct Lo H.

Adjourned till three of the Clock in the Afternoon

Eodem Die Post Merediem

This house met again according to Adjournment

Present as in the morning

Two Engrossed Bills from the Lower house by Mess^{rs} Wootton and Smallwood one Entituled an Act to empower the Justices of Prince Georges County to raise and levy and assess the Money therein mentioned on the taxable Inhabitants of Queen Anns Parish in said County to repair the Chappel in the said Parish and for applying part of what Tobacco money shall be hereafter levyed on the Application of such Vestrymen and Church Wardens to the keeping of the same Chappel in repair for the future the other intituled an Act repealing an Act for the speedy and Effectual Publication of the Laws of this Province and for the Encouragement of William Parkes of the City of Annapolis Printer as also one other Act Entituled an Act reviving an Act of Assembly Entituled an Act for the speedy and Effectual Publication of the Laws of this Province and for the Encouragement of William Parks of the City of Annapolis Printer as also one other Act Entituled a Supplementary Act to the Act Entituled an Act for the Speedy and more Effectual Publication of the Laws of this Province and for the Encouragement of William Parks of the City of Annapolis Printer severally thus subscribed

12th May 1738

Read and assented to by the Lower house of Assembly

Signed p Order M Macnemara Ct Lo H.

Read and assented to by this house and Ordered severally to be so subscribed

A Bill from the Lower house by Mess^{rs} Weems and Henry Entituled an Additional supplementary Act to the Act Entituled an Act for the Tryal of all matters of Fact in the several Counties where they have arisen or shall arise the Continuance of Causes in the Provincial Court and adjournment of that Court thus endorsed

By the Lower house of Assembly 9th May 1738

Read the first time and Ordered to lye on the Table

Signed p Order M Macnemara Ct. Lo. H.

By the Lower house of Assembly 12th May 1738

U. H. J.
No. 33

Read the second time and will Pass

Signed p Order M Macnemara Ct Lo H.

Read the first time in this House and Ordered to lye on the Table

An Engrossed Bill from the Lower house by Mess^{rs} Weemes and Caswell entituled an act reviving an Act of Assembly entituled an p. 527 Act for naturalization thus subscribed

12th May 1738

Read and Assented to by the Lower house of Assembly

Signed p Order M. Macnemara Ct Lo H.

Read & Assented to by this House and Ordered to be so subscribed

Read the Petition of Richard Dalton and Joseph Large languishing Prisoners in Ann Arundell County Goal and referred to the Consideration of the Lower House and sent to the Consideration of the Lower House and sent by Philip Lee Esq^r

Read the Petition of William Barnay of Baltimore County praying Leave to bring in a Bill empowering the Clerk of Baltimore County to record a deed of Bargain & Sale made in the year 1716 by Morgan Murray to the said William Barney for Part of a tract of Land called Morgans delight and to make the same deed as valid as if Recorded in time Rejected.

Vide
Black Book
No. 8
Letters
Nos. 98
and 114.

Adjourned till to Morrow morning nine of the Clock

Saturday morning 13 May 1738

May 13

This house met again according to Adjournment

Present as Yesterday with the Addition of James Holliday Esq^r

Read the second time the several Bills following viz. An Act reviving an Act of Assembly Entituled an Act concerning Ordinaries & for the better regulating of Inn holders and Ordinary Keepers within this Province, An Act reviving an Act of Assembly Entituled an Act relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law as also an Act of Assembly Entituled a supplementary act to the Act for relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law an Act reviving an Act of Assembly entituled an act for licensing Pedlars and Hawkers and Act reviving an Act of Assembly Entituled an Act to prevent the Injuring Harbours within this Province an Additional supplementary Act to the Act entituled an Act for the Tryal of all matters of Fact in the Several

U. H. J. Counties where they have arisen or shall arise the Continuance of
 No. 33 Causes in the Provincial Court & Adjournment of that Court Passed
 and sent by Benjamin Tasker Esq^r

p. 528 Read the second time the Bill Entituled an Act to Encourage the
 making of Linen Cloth within this Province of Flax or Hemp of the
 Growth thereof and will pass with the following Amendments
 instead of the Present Title put these words an act for the Benefit
 of the Poor and Encouragement of Industry the mark of the Paren-
 thesis in 8th Line of 2^d Page to be Omitted after the word Linen in the
 same Line and Page add these words, And be it Enacted by the
 Authority Advice and Consent aforesaid that the remaining part
 of the said thirty Pounds so to be Levyed as aforesaid by Virtue of
 this Act shall be paid and applyed to the several Persons and uses
 following viz^t and in the same Page and Line leave out the word, in,
 and insert these words to the June Court aforementioned and sent
 by Col^o Ward.

Adjourned till Monday Morning nine of the Clock

May 15

Monday Morning 15th May 1738

This house met again according to Adjournment

Present

| | | | | |
|--------|---|---|---|---------------------------------|
| the | { | Col ^o Tilghman | } | Edmund Jenings Esq ^r |
| honble | | Col ^o Ward | | James Holliday Esq ^r |
| | | Benj ^a Tasker Esq ^r | | Col ^o Hammond |
| | | George Plater Esq ^r | | |

Two Engrossed Bills from the Lower house by Mess^{rs} Hinson and
 Rumsey one Entituled an Act reviving an Act of Assembly Entituled
 a Supplementary Act to the Act entituled an Act laying an Imposi-
 tion on negroes and on several sort of Liquors and also on Irish
 Servants to prevent the importing too great a number of Irish Papists
 into this Province the other entituled an Act reviving an Act of
 Assembly Entituled an Act for the Advancement of Justice as also
 an Act of Assembly Entituled a Supplementary Act to the Act for
 the Advancement of Justice severally thus Subscribed

15th May 1738

Read and Assented to by the Lower house of Assembly

Signed p Order M Macnemara Cl Lo H.

Read and Assented to by this house and Ordered to be so
 subscribed

p. 529 Adjourned till two of the Clock in the Afternoon

Eodem die Post Merediem

U. H. J.
No. 33

This house met again according to Adjournment

Present as in the morning

Mess^{rs} Smith and Hynson from the Lower house attend with M^r Wilson one of the members elected for Kent County in order to see him qualified who takes the Oaths to the Government appointed to be taken by Act of Assembly and Subscribes the Abjuration and Test and then withdrew

Read the Petition of the Church Wardens and Vestrymen of Saint Johns Parish in Baltimore County praying that a Bill may be brought to raise an Assessment for three Years on the taxable Inhabitants of the said Parish for building a Parsonage House on the Glebe Land of the said Parish Recommended to the Consideration of the Lower house of Assembly

Read the Petition of several of the Inhabitants about the head of Potapsco River in Ann Arundell County praying that a Bill may be brought in to Revive the Act of Assembly made at a Session of Assembly in the Year 1733 Intituled an Act for erecting a Town at & about the Landing Called the Elk Ridge Landing near the head of Potapsco River in Ann Arundell County and to Give directions for the Effectual Execution thereof Referred to the Consideration of the Lower house of Assembly the two foregoing Petitions sent by Col^o Hammond

Read the Petition of John Rogers of Kent County praying Leave to bring in a Bill enabling Thomas Williams and Mary his wife the relict of Benjamin Hopkins late of the said County to Convey a tract of Land called Hangmans Folly lying in Kent County af^d to him the said Rogers in lieu of a Tract of Land to be Conveyed by the said Rogers to the said Benjamin Hopkins for which the said Rogers past his Bond for twenty thousand Pounds of Tobacco to the said Hopkins to Convey the same Rejected.

Vide
Black Book
No. 6
Letter No. 44

Adjourned till to Morrow Morning nine of the Clock

Tuesday Morning 16th May 1738.

May 16

This house met again according to Adjournment

p. 530

Present as Yesterday with the Addition of Col^o Gale

A Bill from the Lower house by Mess^{rs} Goldsborough and Williamson entituled an Act for the more effectual Publication of the Laws of this Province and for the Encouragement of Jonas Green of the City of Annapolis Printer thus endorsed.

U. H. J.
No. 33

By the Lower house of Assembly 15th May 1738

Read the first time and ordered to lye on the Table

Signed p Order M. Macnemara C^t Lo. H.

By the Lower house of Assembly 16th May 1738

Read the second time and will pass

Signed p Order M Macnemara C^t Lo H.

Read the first time in this House and Ordered to lye on the Table

Read the Petition of Charles and Clement Sewall Executors of the last will and Testament of Nicholas Sewall late of Saint Marys County Esq^r deceased praying Leave to bring in a Bill whereby they may be allowed a Compensation for a tract of Land called Darby lying on Choptank River containing three thousand acres taken away from their Testator by Act of Assembly Anno 1669 in favour of the Indians and which said Land is still Possessed by the said Indians Referred to the Consideration of the Lower house of Assembly and sent by James Holliday Esq^r

Adjourned till three of the Clock in the Afternoon

Eodem Die Post Merediem

This house met again according to Adjournment

Present as in the morning with the Addition of Philip Lee Esq^r

Three Engrossed Bills from the Lower House by Mess^{rs} Smith and Swan one entituled an Act reviving an Act of Assembly entituled
p. 531 An Act to prevent the Injuring Harbours within this Province and for repealing the Act therein mentioned one Entituled an Act reviving an Act of Assembly entituled an Act concerning Ordinaries and for the better regulating of Inn holders and Ordinary Keepers within this Province the other Entituled an additional Supplementary Act to the Act Entituled an Act for the Trial of all matters of Fact in the several Counties where they have arisen or shall arise the Continuance of Causes in the Provincial Court and Adjournment of that Court severally thus subscribed

16 May 1738.

Read and assented to by the Lower house of Assembly

Signed p Order M Macnemara C^t Lo. H.

Read and Assented to by this house and Ordered to be so Subscribed

Adjourned till to morrow Morning nine of the Clock

Wednesday morning 17 May 1738

This house met again according to Adjournment

U. H. J.
No. 33
May 17

Present as Yesterday.

A Message from the Lower House by Mess^{rs} Hanson and Smith

By the Lower House of Assembly 17th May 1738

May it please your Honours

Vide
Black Book
No. 6
Letter No. 54

Col^o Hammond Treasurer of the Western Shoar having sent to M^r Samuel Hyde Merchant in London for some Books Paper Ink &c. for the use of the Publick and the same being sent accordingly amounting to £50..15..10 Ster. when said Hyde had not any other money in his hands then such as arose on the duty of 3^d p hhd for arms and Ammunition this house have agreed that an Order be drawn on M^r William Hunt payable to said M^r Hyde for said sum out of the publick money in said Hunts hands due to this Province remitted him by Col^o Samuel Young late Treasurer of the Western Shoar and desire your Honours Concurrence therein

Signed p Order M Macnemara Ct Lo H.

Read the second time the Bill intituled an Act for the speedy and effectual Publication of the Laws of this Province and for the Encouragement of Jonas Green of the City of Annapolis Printer and passed with the following Amendment in 12th Line of the first page after the word to put the Governor and after the Words Member of in the same Line and Page put Upper and Lower Houses of Assembly sent by Edmund Jenings Esq^r p. 532

Read the Petition of Several Freeholders and others Inhabitants of Queen Anns County praying a Bill may be brought in to erect a Court house at Ogle Town in said County the place where the present Court house is erected being forty or fifty Miles distance from many the Inhabitants thereof Referred to the Consideration of the next Session of Assembly and Ordered that the Petitioners give publick Notice in their County of such their Application

The following message meing prepared is sent by George Plater Esq^r

By the Upper House of Assembly 17 May 1738.

Gentlemen

In answer to your message of this day by Mess^{rs} Hanson and Smith this house concurs with the purport thereof and that there be directions in the said Order that M^r Hyde Replace the said sum of £50..15..10 when received by him to that Fund out of which he Paid the same

Signed p Order John Ross Ct Up H.

U. H. J. Read the proposalls for founding an Academy at Annapolis for
 No. 33 the Education of the Youth of this Province; Recommended to the
 Consideration of the Lower house of Assembly and sent by Philip
 Lee Esq^r who returns with the said Proposals and acquaints this
 house that he informed the Serjeant attending the Lower house he
 had a Message from the Upper house to deliver and that he was
 desired to wait

Adjourned till three of the Clock in the afternoon

Eodem Die post Merediem

This House met again according to Adjournment

Present as in the morning

p. 533 The Bill prepared in this House entituled an Act to prohibit the
 Importation of and selling Horses in this Province brought from any
 Colony Province Plantation or Place on this Continent into this
 Province is brought from the Lower house by Mess^{rs} Wright and
 Courts thus endorsed.

By the Lower House of Assembly 10th May 1738

Read the first time and Ordered to lye on the Table

Signed p Order M Macnemara Ct Lo H.

By the Lower House of Assembly 17th May 1738

Read the Second time and will not pass.

Signed p Order M Macnemara Ct Lo H.

An Engrossed Bill from the Lower house by Mess^{rs} Matthews and
 Lloyd entituled an Act reviving an Act of Assembly. Entituled an
 Act for Licensing Pedlars and Hawkers thus subscribed

17th May 1738

Read and assented to by the Lower house of Assembly.

Signed p Order M Macnemara Ct. Lo H.

Read and Assented to by this house & Ordered to be so subscribed
 Adjourned till to Morrow morning nine of the Clock

May 18

Thursday Morning 18th May 1738

This house met again according to Adjournment

Present as Yesterday

The several Paper Bills the Originals of which have been passed
 this house are sent to the Lower House with the following Message
 by the Clerk of this House who went to the Lower House and

acquainted the Serjeant thereof that he attended with a Message from the Upper House to be delivered to the Speaker which Message the Speaker coming to the Door of the Lower House took from him

U. H. J.
No. 33

By the Upper house of Assembly 18 May 1738

Gentlemen

The unexpected and extraordinary Treatment which we Yesterday received in the Person of one of our members who was sent with a Message from us and not admitted to deliver it but desired to wait obliges us in Vindication of the Respect due to this house & to prevent unnecessary debates to the delay of the Publick Business and the like Indignity hereafter to send our Messages by our Clerk

Signed p Order John Ross Cl Up H.

Read the Petition of sundry Owners of Vessels and Merchants Inhabitants of this Province praying that the Act prohibiting the Exportation of Indian Corn may be Repealed Referred to the Consideration of the Lower house of Assembly

A Message from the Lower house with the Paper Bills aforementioned by Mess^{rs} Hooper and Courts

By the Lower house of Assembly 18th May 1738

May it please your Honours

Our speaker was called out of the Chair and out of the house by your Clerk and had several Papers delivered to him by the said Clerk and one among them which we should have taken as a Message from your Honours if it had been brought or delivered in the usual manner

This Behaviour of your Clerk we Conceive to be such an Indignity to this House as Obliges us to demand immediate Reparation

As to the unexpected and extraordinary treatment mentioned in that Paper delivered to our Speaker we can with the Greatest Truth and Sincerity declare we had no intention to treat your House or any member of it but with the greatest decency and Good manners and that if any thing has happened which seemed to have a different appearance it was not designed and if your Honours had not a very strong inclination to enter into unnecessary disputes with this House which must retard the dispatch of publick Business and of Course be very injurious to the whole Province Your Honours would have taken a very different Course from that which you have been pleased to Choose

As to what is mentioned in the Paper under Consideration of sending future messages by your Clerk we shall be very well Content with it and follow your Example in sending all our Messages by our Clerk

Vide
Black Book
No. 4
Letter No. 65

p. 535

U. H. J. Although to avoid as much as in us lies every thing that may have
 No. 33 the least Tendency to Obstruct the publick Business we send this
 Message by two of our own Members as usual

Signed p Order M Macnemara Ct Lo H.

Adjourned till three of the Clock in the afternoon

Eodem die Post Merediem

This house met again according to Adjournment

Present as in the morning

The following Message is sent to the Lower house by the Clerk of this house who after having waited some time to deliver the said Message was told by M^r Michael Macnemara Clerk of the Lower house that the Lower house would not receive any Message from him until they had a suitable Answer to the Message sent this morning to the Upper house by Col^o Hooper and M^r Courts.

By the Upper house of Assembly 18th May 1738

Gentlemen.

Our Clerk was ordered by us to desire your Sergeant to inform M^r Speaker that he had a Message from this house to deliver to him and these orders we are assured by our Clerk were punctually observed This you are pleased to term calling your Speaker out of the Chair and out of the house by our Clerk but whether by the Rules of your house the Speaker is allowed to go out of the house to receive messages from this house we shall not pretend to determine

By the message by Our Clerk we acquainted your house with the Reasons of sending him and we now inform you that he acted, what you seem to resent, by the Authority of this house, therefore you cannot be surprised at our now Compliance with your Demand of Reparation but we hope you will permit us to think it somewhat unusual as well in Publick Bodies as Private for the Party who Offers an Affront to demand Reparation from the Injured

p. 536 We are by that Respect and Good will which we shall always have and shew towards the Representatives of the People of Maryland Greatly Byassed to believe the Truth and sincerity of their declarations but you must excuse us if we flatter ourselves of being Capable to distinguish in some degree between an Indignity and Civil treatment and if any thing Could add to the Contempt you have shewed of us it must be the doubt you entertain whether any thing has happened which seemed to have an appearance different from decency and Good manners towards our house and making the foundation of our last message to be a very strong inclination in us to enter into unnecessary disputes, we cannot be so much wanting to the honour and dignity of this house and our own particular sincere hearty Intentions

for the publick good as not to remind you that instead of demanding immediate Reparation we dispatched the publick Business by our Clerk in order to prevent unnecessary debates to the delay of publick Business.

U. H. J.
No. 33

Thus we stifled our Resentments and only endeavoured to avoid a future Indignity on the like Occasion and we have now the better opinion of and are more Confirmed in the Resolution we before took of sending our messages by our Clerk by the Content it will Give your house and as to your following our Example in sending all your messages by your Clerk this house presumes your Acquaintance with Legislative Proceedings in every Part of his Majestys dominions will prevent the sending a Messenger never before thought or heard of for the Purpose you are pleased to design him and who would not be Admitted to deliver any Message to us from your House

Signed p Order John Ross Cl Up H.

Adjourned till to morrow morning nine of the Clock

Friday morning 19th May 1738

May 19

This house met again According to Adjournment

Present as yesterday

Adjourned till three of the Clock in the Afternoon

Eodem die Post Merediem

This house met again according to Adjournment

p. 537

Present as in the Morning

Ordered that the Clerk of this House carry again to the Lower house the same Message sent Yesterday and that he acquaint the Serjeant of the Lower house that he attends with a Message from the Upper house in Answer to the Message sent from the Lower house Yesterday by Col^o Hooper and M^r Courts the Clerk of this House waited at the door of the Lower house an hour to deliver the said message but instead of the Lower house receiving the Message the Clerk thereof came and offered the Clerk of this House a message to be delivered to the Upper House he then told the Clerk of the Lower house he had no Orders from the Upper House to Receive and Message whereupon the Clerk of the Lower house said if he would not receive it he had Orders to read it and began so to do but the Clerk of this House not having Orders to stay to hear the same returned to the house

Adjourned till to Morrow Morning nine of the Clock

U. H. J.
No. 33
May 20

Saturday Morning 20th May 1738

This house met again according to Adjournment

Present as Yesterday except Col^o Ward and Philip Lee Esq^r

An Engrossed Bill from the Lower house by Mess^{rs} Sprigg & Colvile entituled an Act for the more Effectual Publication of the Laws of this Province and for the Encouragement of Jonas Green of the City of Annapolis Printer thus subscribed

20th May 1738

Read and Assented to by the Lower house of Assembly

Signed p Order M Macnemara Ct Lo H.

Read and Assented to by this House and Ordered to be so subscribed

Adjourned till three of the Clock in the Afternoon

Eodem die Post Meridiem

This house met again According to Adjournment

Present as in the morning

p. 538 Adjourned till Monday Morning nine of the Clock

May 22

Monday morning 22^d May 1738

This house met again according to Adjournment

Present

| | | | | |
|---------------|---|----------------------------------|---|---------------------------------|
| the honble | { | Benjamin Tasker Esq ^r | } | James Holliday Esq ^r |
| | | George Plater Esq ^r | | Colonel Hammond |
| | | Edmund Jenings Esq ^r | | Colonel Gale |

Adjourned till three of the Clock in the Afternoon

Eodem Die post Merediem

This house met again according to Adjournment

Present as in the morning

Benjamin Tasker Esq^r attended by the Rest of the Members of this House presents to his Excellency the Governor the Address of this House which follows in these words

To his Excellency Samuel Ogle Esq^r Governor and Commander in chief in and over the Prov^s of Maryland

The humble Address of the Upper house of Assembly

May it please Your Excellency

U. H. J.
No. 33

Our Inclinations to serve the Country we live in and the Honour of Our House oblige us to acquaint your Excellency that upon Wednesday last we sent a Message to the Lower house of Assembly by one of our Members who upon his application for Leave to deliver it was told by their Serjeant as from that House to wait

From this Indignity offered us and to prevent the like ill Treatment for the future we were induced agreeable to the Practice of the Upper houses of Assembly and Councils of State in most if not all his Majestys Plantations to send our Clerk to the Lower House with Several Paper Bills and with a Message acquainting them that the Extraordinary Treatment one of Our members had received on a Message to them had Obligated us to prevent unnecessary Debates to the delay of the Publick Business and Indignity thereafter to send Our Messages by our Clerk p. 539

When our Clerk applied for Leave to deliver this message the Speaker very unexpectedly came out of the House and received it and a Message in answer to it was sent to us by two members from the Lower house complaining that their Speaker was called out of the Chair and out of the House by Our Clerk and had several Papers delivered to him by the said Clerk and One among them which they should have taken as a Message from us had it been brought or delivered in the usual manner

That that Behaviour of our Clerk they conceived to be such an Indignity to their House as Obligated them to demand immediate Reparation

That as to the unexpected and extraordinary Treatment mentioned in that Paper delivered their Speaker they could with the greatest Truth and sincerity declare they had no Intentions to treat our House or any Member of it with the Greatest Decency and good manners and that if any thing had happened which seemed to have a different Appearance it was not designed and if we had not a strong Inclination to enter into unnecessary disputes with their House which must Retard the publick Business and of Course become injurious to the whole Province we should have taken a very different Course from that we Chose

And further that as to what was mentioned in the Paper under Consideration of sending future Messages by our Clerk they should be very well Content with it and follow our Example in sending all their Messages by their Clerk

This Message very much surprized us and the doubt of the Lower House made of anything having happened which seemed to have an appearance different from decency and Good Manners and their charging us with a very strong inclination to enter into unnecessary disputes that would be injurious to the Province and their demanding Reparation for an Injury they had really done us convinced us

U. H. J. we were not to expect more Civil treatment from them for the future
 No. 33 then they had been pleased to Give the last member of our House that we sent to them

p. 540 We therefore prepared a Civil and Suitable Answer to their Message and sent it on thursday last by our Clerk as we had proposed to send and they had agreed to Receive but when he applied for Leave to present it was refused and Obligated to return with it we sent it again on Friday last and Our Clerk waited to deliver it above an Hour after he had Given Notice to the Serjeant attending the Lower house of his having a Message to deliver from us but was again refused an Opportunity to deliver it & Obligated to return with it

As we are Convinced what we have done is well warranted by Reason and Justice and by the Practice of Our Neighbouring Governments we flatter Ourselves with the Satisfaction of being Justified in the opinion of your Excellency and every reasonable and Candid man but as by the Refusall of the Lower House to receive our Message from the hand of our Clerk with which method they had declared they would be very well Content an intire stop is put to the Communication of the two Houses & to the publick Business we make this humble application to your Excellency with a full Assurance of your Excellencys Readiness to interpose your Authority in such manner as may best prevent a further needless Expence and Burthen to the Province

Benj^a Tasker, President

Adjourned till to Morrow Morning nine of the Clock

May 23

Tuesday Morning 23^d May 1738

This House met again according to Adjournment

Present as yesterday

Messrs. Lloyd and Smith from the Lower House attend with M^r Robert Gordon a member elected for the City of Annapolis in the Room of Daniel Dulany Esq^r who being elected for the said City and also for Ann Arundell County made his Option for the County and the said Robert Gordon takes the Oaths to the Government appointed to be taken by act of Assembly and subscribe the Abjuration and Test and then withdrew

Adjourned till three of the Clock in the Afternoon His Excellency the Governor by his Proclamation bearing date at Annapolis
 p. 541 this day prorogued this Assembly to the second Tuesday in July next.

Thus Endeth this Convention of Assembly begun and held at the City of Annapolis on the third day of May and ending the twenty third day of the same month in the Eleventh year of his Majestys Reign and in the twenty fourth of his Lordships deminion Annoq Domini 1738

J Ross Cl

PROCEEDINGS

THE LOWER HOUSE OF ASSEMBLY

At a Session of Assembly begun and held at the City of Annapolis on Wednesday the third day of May in the Year of Our Lord 1738 and in the Twenty fourth year of the Dominion of the Right Honourable Charles Absolute Lord and Proprietary of the Provinces of Maryland and Avalon, Lord Baron of Baltimore, appeared in the Lower House of Assembly the following Members.

L. H. J.
Lib. No. 45
p. 750
May 3

| | | |
|--------------------------------|---|----------------------------------|
| For St Mary's County | | For Somerset County |
| Mr James Waughop | } | |
| Mr John Read | | |
| Mr Thomas Aisquith | | |
| Mr James Swan | | For Talbot County |
| | | Edward Lloyd |
| For Ann Arundell County | } | Robert Lloyd |
| Mr Philip Hammond | | W ^m Thomas |
| Daniel Dulany Esq ^r | | N. Goldsborough |
| Mr Vachel Denton | | |
| Mr Samuel Smith | | For Dorchester County |
| | | |
| For Calvert County | | For Cecil County |
| Co th John Mackall | | Mr Joshua George |
| Mr Walter Smith | | Col ^o Thomas Colvill |
| Mr James Weems | | Mr William Rumsey |
| | | |
| For Charles County | | For Baltimore County |
| Mr John Courts | | Mr Thomas Sheredine |
| Col ^o Robert Hanson | | Mr John Moale |
| Mr William Middleton | | Mr Roger Matthews |
| Mr Bayne Smallwood | | Cap ⁿ Richard Caswell |
| | | |
| For Prince George's County | | For Queen Anns County |
| Major Edward Sprigg | | Mr Grundy Pemberton |
| Mr John Magruder | | Mr Thomas Wilkinson |
| Mr Turner Wootton | | |
| | | |
| For the City of Annapolis | | |
| Daniel Dulany Esq ^r | | |
| Doctor Charles Carroll | | |

L. H. J. Edmund Jenings Esq^r and Col^o Hammond from the Upper House
 Lib. No. 45 and M^r John Ross Clerk of the Councill came into the Stadt House in whose presence the aforesaid Members took the Oaths (of Allegiance, Abhorrence and Abjuration) to his Majesty King George the second repeated the Test and signed the oath of Abjuration and Test.

Philip Lee Esq^r and George Plater Esq^r from the Upper House informed the said Members that the Governour required their immediate Attendance in the Councill chamber they thereupon went. The Governour required them to return and make choice of a Speaker, They returned and unanimously made choice of Col^o John Mackall to be their Speaker and placed him in the Chair. Mr Dulany & Co^t. Hanson ordered to acquaint his Excellency this house hath made Choice of a Speaker. Benjamin Tasker Esq^r from the Upper House acquaints this House, his Excellency requires their Attendance in the Councill Chamber to present their Speaker. The Members of this house went to the Upper House and presented to his Excellency the Governor, the Hon^{ble} Co^t. John Mackall for their Speaker. His Excellency the Governor approved the said Choice of Speaker.

His Excellency the Governor made the following Speech (See page 144.)

p. 751 M^r Speaker and the rest of the Members returned. The House made choice of M^r Michael Macnemara for Clerk.

M^r Dulany and M^r Denton ordered to acquaint the Governor this house hath appointed M^r Michael Macnemara Clerk to this House and to desire his Approbation. They return and acquaint M^r Speaker, the Governor approved the choice. M^r Dulany and M^r Denton sent to the Upper House to see M^r Macnemara qualify himself as Clerk.

They return and acquaint M^r Speaker they saw the said Macnemara qualify Himself by taking the several Oaths to the Government required by Law and by signing the said Oaths, and by repeating and Signing the Test and taking the following Oath

You Michael Macnemara do swear that as Clerk of the Lower House of Assembly you shall true Entries make of all such matters and Things as by the Honourable Speaker for the time being and that House shall be to You directed, the Secrets of the said House you shall not divulge to the prejudice of the House or any Member thereof, but shall in All Things as Clerk to the said House well and truly demean Your self according to the best of your knowledge So help you God.

The House continue M^r Thomas Jobson as Serjeant at Arms, and M^r Thomas Reynolds as Door-Keeper, and ordered that M^r Samuel Smith administer to Them the several Oaths required by Law. M^r Smith acquaints M^r Speaker he administred to the said

Jobson and Reynolds the several Oaths required by Law, saw them sign the said Oaths and saw them repeat and Sign the Test. L. H. J.
Lib. No. 45

The House adjourns till to morrow Morning at 9 of the Clock

Thursday morning May 4th 1738

May 4

The House met according to Adjournment. The members were called All appeared that were present yesterday. The House agree to the Rules observed by the Lower House of Assembly last Session.

The Resolves of the Lower House of Assembly made in the Year 1725 being read are agreed to; except where Alterations are made in Them by express Acts of Assembly, And Whereas it is contained in the said Resolves that the Clerk of this House shall sign all proceedings, As Clerk of the House of Delegates, and in no other Manner, upon which some Disputes have formerly arisen between the Two Houses of Assembly. For prevention of any Dispute which may retard the Dispatch of publick Business, it is now resolved, That All proceedings shall be signed by the said Clerk, as Clerk of the Lower House, always Saving to the Members of this House And the people They represent and their posterity all their rights and Priviledges whatsoever; and protesting that those rights and priviledges shall not, nor ought to be hurt prejudiced or lessened by the Clerk of this house his signing the proceedings thereof as Clerk of the Lower House. p. 752

Captⁿ Edward Wright and M^r Solomon Clayton, two returned Members for Queen Anns County appeared in the house this Morning

M^r Philip Kennard and M^r Thomas Smith two ret^d members for Kent County appeared in the house this morning.

M^r George and M^r Grundy Pemberton ordered to go and see those Gentlemen qualified in the Upper House. They return and acquaint M^r Speaker they see them qualified by taking the several Oaths required to the Government by Law, and Signing them and by repeating and signing the Test.

The Gentlemen took their places in the House accordingly.

Resolved that the hours of sitting during this Session, be from nine of the Clock in the forenoon untill One, and from three in the afternoon untill Six.

M^r Charles Hynson a returned Member for Kent County appeared in the house this morning. M^r Philip Kennard and M^r Samuel Smith ordered to go to the Upper House to see him qualified; They return and acquaint M^r Speaker They see him qualified by taking the Several Oaths to the Government required by Law and by Signing the said Oaths and by repeating and Signing the Test.

L. H. J. The house appointed M^r Walter Smith Co^t Hanson Co^t King M^r
 Lib. No. 45 Philip Hammond M^r Joshua George A Committee of Elections and
 priviledges

Col King M^r Denton Major Sprigg M^r Samuel Smith M^r Shere-
 dine A Committee of Accounts

M^r Dulany Co^t Gale Co^t Hooper M^r George M^r Hammond M^r
 Denton Doctor Carroll A Committee of Laws.

M^r Matthews M^r Stoughton M^r Goldsborough M^r Magruder M^r
 Wright M^r Kennard Doctor Carroll M^r Moale A Committee of Ag-
 grievances and Courts of Justice

Co^t Gale M^r Moale M^r Stoddert M^r Trippe Col^o Colville Com-
 mittee to inspect the Accounts and proceedings of the Commissioners
 for emitting Bills of Credit established by Act of Assembly.

M^r Walter Smith Co^t. Hanson Co^t Hooper M^r John Read & M^r
 Turner Wootton Appointed a Committee to inspect into the State
 and Condition of the Arms & Ammunition & Accounts relating
 thereto.

p. 753 M^r Dulany, M^r Hammond and Doct^r Carroll appointed to pre-
 pare an Address to the Governor on his Speech.

Ordered that a Bill be brought in to repeal the several Laws for
 the Encouragement of William Parks Printer, and that M^r Denton
 prepare and bring in a Bill accordingly.

The House adjourns untill three of the Clock in the Afternoon
 Post Meridiem. The House met according to Adjournment.

M^r Edward Lloyd, M^r Robert Lloyd and M^r William Thomas
 three of the returned Members for Talbot County appeared in the
 House this afternoon, M^r Matthews and M^r Samuel Smith sent to
 the Upper House to see them qualified, They return and acquaint
 M^r Speaker they saw them qualified by their taking the several
 Oaths to the Government required by Law, and by signing the
 Oaths, and by repeating and signing the Test. The Gentlemen took
 their places in the House accordingly.

M^r Denton brings in a Bill, intituled an Act repealing an Act
 intituled an Act for the Speedy and Effectual Publication of the
 Laws of this Province, and for the Encouragement of W^m Parks
 of the City of Annapolis Printer, and Also one other Act intituled
 a Supplementary Act to the Act Entituled an Act for the speedy
 and more Effectual Publication of the Laws of this Province and
 for the Encouragement of William Parks of the City of Annapolis
 Printer.

Which Bill was read the first time and ordered to lye on the Table.

M^r Benjamin Mackall a Member returned to serve for Calvert
 County appeared in the house this Afternoon, M^r Walter Smith
 and M^r James Weems ordered to go to the Upper House and see

him qualified. They return and acquaint M^r Speaker They saw him qualified by taking the Several Oaths to the Government required by Law, and by signing the Oaths and by repeating and Signing the Test.

L. H. J.
Lib. No. 45

The Gentleman took his Place in the House accordingly.

M^r Nicholas Goldsborough a member returned to serve for Talbot County appeared in the house this Afternoon M^r Edward Lloyd and M^r Robert Lloyd ordered to go to the Upper House and see him qualified. They return and acquaint M^r Speaker, They saw him qualified by taking the Several Oaths to the Government required by Law and by signing the said Oaths, and by repeating and Signing the Test.

The Gentleman took his place in the House accordingly.

M^r Denton ordered to acquaint the Rev^d M^r Humphrys that he is desired by this house to read Divine Service Morning and Evening during this Session.

The house adjourns untill to morrow Morning at 9 of the Clock.

Friday morning May 5th 1738.

May 5

The house met according to Adjournment. All present as on Yesterday.

The Bill intituled an Act, repealing an Act entituled an Act for the Speedy and Effectual publication of the Laws of this Province &c was read the second time and passed and sent to the Upper House by M^r Denton and M^r Robert Lloyd.

Whereas it appears by the Returns from the Sheriff of Ann Arundell County and likewise from the Mayor and Aldermen of the City of Annapolis that Daniel Dulany Esq^r is returned to serve in this Assembly for both Places

The Question was put whether a day shall be assigned, beyond which, no complaint shall be received against the Return of Daniel Dulany Esq^r for Ann Arundell County, before he be obliged to make his Choice for one of the Two places he is chosen for, or not? resolved in the Negative.

The Question was put whether M^r Dulany be oblig'd to make his Election by Monday or Thursday next, for which Place He will Serve, Resolved that He make his Election by Monday next.

M^r George from the Committee of Laws bring in a Bill for repealing that part of an Act of Assembly entituled an Act to prohibit the Exportation of Grain Bread and Flower &c^a which was read the first time and ordered to lye on the Table.

Doctor Carroll brings in an Address to the Governour, which was read and approved, and ordered to be ingrossed

The house adjourns untill 3 of the Clock in the afternoon

p. 754
[Petitions
for the
privilege to
export
wheat from
Somerset
Co. dated
May 9 and
for the
passage

L. H. J.
 Lib. No. 45
 of this bill
 dated May
 18 are found
 in Black
 Book No. 4
 Letters Nos.
 60 and 62.
 A petition
 from the
 traders in
 grain at the
 head of the
 Chesapeake
 dated May 3
 is in Black
 Book No. 6
 Letter
 No. 51]
 Vide
 Black Book
 No. 6 Letter
 No. 42

Post Meridiem. The House met according to adjournment.

Mr Pemberton added to the Committee of Aggrievances and Courts of Justice.

The Address to the Governor Viz.

To his Excellency Samuel Ogle Esq^r Governor of Maryland

The humble Address of the Lower House of Assembly.

May it please your Excellency

We his Majesty's most dutiful and Loyal Subjects the Representatives of the Freeman of Maryland in Assembly convened, beg leave to return your Ex^cy our sincere thanks for your kind Speech at the opening of this Session, and at the same time with hearts full of grief to sympathize with you, in that great and general loss, the Death of Our late most gracious Queen. We should be inconsolable on this Melancholly Occasion, had we not those invaluable Blessings, our royal and most gracious King and Sovereign with Our Constitution in Church and State her pious and unparallelled memory which shall always remain near and dear to Us. We shall always bear a true regard to whatever Your Ex^cy is pleased to recommend to the Consideration of this House, and accordingly consider the Act relating to the purchase of Arms and Ammunition for the use of this province with the State of that Fund.

We are truly solicitous for his Lordships happiness and rejoyce at his influence over his Adversaries on all just Occasions, And we are sorry that Our Neighbors should so far interest Themselves in Matters foreign to them, as to prejudice Themselves & disturb Others with whom they ought to live in the most friendly Manner, and agreeable to that mutual Harmony which ought to Subsist betwixt all his Majestys Subjects.

If this house had any part in procuring an Amicable and peaceable State on the Borders, betwixt this and the neighbouring province They are highly pleased therewith, as They shall always be, when they can Act or do any thing for the Good of this people or any other his Majestys Subjects, and which shall always be their utmost Ambition and true Endeavour to perform.

We please ourselves with hopes, and that from his Lordships great Goodness, that he will render the receipt of his Quit rents and Alienation Fines as easie and commodious to the good People of this province as the Nature of the Thing will admit of: and as from his own great Abilities and being seated at the Fountain of Knowledge in Great Britain, he must know certainly the true Value of foreign Gold and Silver he hath no doubt ordered them to be received here accordingly. Great good and benevolent Actions are

inherent to, and the result of noble minds, and such, proceeding from humane and generous Motives equally deserve our praise and Admiration. L. H. J.
Lib. No. 45

We take leave to Assure Your Excellency that his Lordships beneficent Dispositions put in Execution for the good of the People of Maryland shall on all Occasions be gratefully acknowledged, and that we esteem it a great happiness to merit his favourable Sentiments. If a dutiful Obedience to his Lordships Government under Your Ex^{cys} wise and prudent Administration, and a true Endeavour to the utmost of Our power and knowledge actuated by a Sense of Duty and humanity to promote the general good of this province may have any influence on Our Actions, we may hope for a happy Issue to the proceedings of this Session, more especially when supported by your Ex^{cys} favourable Countenance and Assistance so kindly and candidly assured to us, and for which you have our sincere and unfeigned thanks.

Being ingrossed, M^r Walter Smith and M^r Denton ordered to acquaint his Ex^{cys} therewith, and to know when and where He will receive it. They return & acquaint M^r Speaker the Governour will be ready to receive the Address immediately in the Conference Chamber.

M^r Dulany and twelve more ordered to Attend the Governor with the Address.

Col^o Hammond from the Upper House delivers M^r Speaker a p. 755 petition of the Vestry and Sundry Inhabitants of Queen Anns Parish in Prince Georges County praying leave to tax on the Taxable Inhabitants of said Parish the Sum of 100 pounds towards repairing their Chapple indorsed, recommended by the Upper House of Assembly to the Consideration of the Lower House, which said Petition was here read and granted and ordered that a Bill be brought in accordingly.

Ordered that M^r Speaker issue his Warrant directed to the Secretary of this Province to make out a new Writ of Election directed to the Sheriff of Cecil County to elect a member to serve in this Assembly in the room of M^r Alphonso Cosden deceased

The House adjourns untill to Morrow Morning at 9 of the Clock.

Saturday Morning May 6th 1738.

May 6

The House met according to Adjournment. All present as on Yesterday.

The Governor communicated to this House the following Answer Viz.

L. H. J. Gentlemen of the Lower House of Assembly.
Lib. No. 45

I thank you heartily for your kind Address and am much oblig'd to you for the regard you profess to bear to whatever I recommend to your Consideration

I shall always make it my Endeavour to deserve the Continuance of this favourable Disposition in Your House by recommending nothing to you but what is for the Good and Welfare of this Province.

Edmund Jenings Esq^r from the Upper House delivers M^r Speaker a petition of John Lang a Rector of S^t James in Ann Arundell County praying leave to bring in a Bill to enable him to make Improvements on Two Tracts of Land, The one devised by James Rigby containing 100 Acres where the Church now Stands, the other called Wrighton. near Pigg Point in said County and to impower him to make Lease for Lives to reimburse the Charges He must be put to in making Improvements &c^a indorsed recommended by the Upper House to the Consideration of the Lower House, which petition was here read.

George Plater Esq^r from the Upper House delivers M^r Speaker the Bill, entituled an Act repealing an Act entituled an Act for the Speedy and effectual Publication of the Laws of this province and for the Encouragement of William Parks of the City of Annapolis printer &c. indorsed by the Upper House of Assembly 5th May 1738 read the first time and ordered to lye on the Table

Signed p Order J Ross Ct Up Ho.

And thus further endorsed By the Upper House of Assembly May 6th 1738 read the Second time and will pass.

Signed p Order J Ross Ct Up House

Which Bill was here read and passed for ingrossing

The House adjourns untill 3 of the Clock in the Afternoon

Post Meridiem. The House met according to Adjournment

M^r John Brannock a Member returned to Serve for Dorchester County appeared in the House this afternoon.

M^r Goldsborough and M^r Robert Lloyd sent to the Upper House to see him qualified, They Acquaint M^r Speaker they saw him qualified by taking the Several Oaths to the Government required by Law, by signing the said Oaths, and by repeating and signing the Test.

The Gentleman took his place in the house.

The House adjourns untill Monday Morning at 9 of the Clock

Monday Morning May the 8th 1738

L. H. J.
Lib. No. 45
May 8

The House met according to Adjournment, All present as on Saturday, except M^r Hammond

The Bill Entituled an Act for repealing that part of an Act of Assembly Entituled an Act to prohibit Exportation of Grain Bread and Flower so far as relates to the Exportation of Wheat Bread and Flower only : read the second time and passed, and sent to the Upper House by M^r George and M^r Weems.

Col^d. Henry Hooper Captain Henry Trippe and Captain Bartholomew Ennalls Gentlemen returned to serve in this Assembly for Dorchester County appeared in the House this morning, M^r Brannock and M^r Robert Lloyd sent to the Upper House to see them qualified, they return and acquaint M^r Speaker They saw Them qualified by their taking the several Oaths to the Government required by Law and by signing the said Oaths and by repeating and signing the Test. p. 756

This Day being appointed Daniel Dulany Esq^r to make his Election which of the two places for which he was returned He would represent either for the County of Ann Arundell or for the City of Annapolis, Acquaints the House He makes Election to represent the County of Ann Arundell Ordered that M^r Speaker issue his Warrant to the Secretary of this Province to make out a Writ directed to the Mayor Recorder and Alderman of the City of Annapolis to elect a member to serve in this present Assembly in the room of Daniel Dulany Esq^r who hath made his Election to serve for the County of Ann Arundell.

The House adjourns untill 3 of the Clock in the Afternoon

Post Meridiem. The House met according to Adjournment

Col^d. Gale, Col^d. King William Stoughton Esq^r and M^r Robert Henry the returned Members for Somerset County appeared in the House this Afternoon, M^r George and Col^d. Colvill sent to the Upper House to see them qualified. They return and acquaint M^r Speaker they saw them qualified by taking the several Oaths to the Government required by Law by signing the said Oaths and by repeating and signing the Test.

The Gentlemen took their places in the House.

The House adjourns untill to morrow morning at 9 of the Clock.

Tuesday Morning May 9th 1738

May 9

The House met according to Adjournment, all present as on Yesterday.

On reading the petition of John Lang Rector of St. James's in Ann Arundell County, the Question was put, whether leave be given

L. H. J. to the Petitioner to bring in any Bill or not, resolved in the negative. Ordered that a Bill be brought in for the Encouragement of Lib. No. 45 Jonas Green printer Co^t. Hooper from the Committee of Laws brings in the Bill Entituled an Act reviving the several Acts therein Mentioned which was read the first time and ordered to lye on the Table.

Philip Lee Esq^r from the Upper House delivers M^r Speaker a petition of Sundry Freeholders residing in Somerset County indorsed recommended to the Consideration of the Lower House of Assembly: which petition was here read and ordered to lye on the Table.

The House adjourns untill 3 of the Clock in the Afternoon

Post Meridiem. The House met according to Adjournment &c.

A Bill to empower the Justices of Prince Georges County to raise Levy and Assess the money therein mencōned on the Taxable Inhabitants of Queen Ann parish in said County to repair the Chapple in said parish and for applying part of what Tobacco or money shall be hereafter levied on the Application of such Vestrymen and Church-Wardens to the keeping of the same Chapple in repair for the Future: read the first and second time by an Especial Order and will pass; which Bill was sent to the Upper House by Major Sprigg and M^r Wootton.

M^r Smith from the Committee for inspecting the Arms and Ammunition and Accounts relating thereto, delivers M^r Speaker the following report.

By the Committee for inspecting the Arms and Ammunition and Accounts relating thereto 9th May 1738.

Your Committee having examined and inspected the Treasurers p. 757 Acco^{ts} of the three pence p hogshead raised for purchasing Arms and Ammunition from the Year 1732 Do find the said stock charged with the following Articles (Viz)

| | | |
|--|---|-------------------------|
| In the Acco ^t of Samuel Young Esq ^r late Treasurer of the Western Shore | } 21 st July 1733 paid his Ex ^c y Samuel Ogle Esq ^r by Order of Councill | Sterling 200.. 0.. 0 |
| 24 th Sept ^r 1734 paid his Ex ^c y Samuel Ogle Esq ^r pursuant to an Act of Assembly | } 238..15..10 | |
| In the Acco ^t of James Hollyday Esq ^r | } Paid his Ex ^c y the Governour pursuant to an Act of Assembly for Arms | 91..11.. 8 |
| | | 530.. 7.. 6 |

And Your Committee likewise find, that there is due to the Country for the three pence p hh^d aforesaid to the 29th of Sep^r 1736 as appears by the Several Treasurer's Accounts the Sums following Viz.

| | | |
|--|---|-------------------------|
| 24 th March 1735 In the hands of M ^r Samuel Hyde Merchant in London as appears by the Accounts of Samuel Young Esq ^r late Treasurer of the Wes- tern Shore | } 1099..13.. 8 $\frac{1}{4}$ | L. H. J. Lib. No. 45 |
| Due from the aforesaid Samuel Young Esq ^r as appears in an Acco ^t made up by his Executors | } ^{Gold} 34..13.. 7 $\frac{3}{4}$ and 18.. 3 | |
| In the hands of the aforesaid Samuel Hyde as ap- pears by the Account of Charles Hammond Esq ^r Treasurer of the Western Shore | } 219.. 4..10 $\frac{3}{4}$ | |
| In the hands of James Hollyday Esq ^r Treasurer of the Eastern Shore | } 134..14.. 0 $\frac{1}{2}$ | |
| Total 34..13.. 7 $\frac{3}{4}$ and 1454..10..10 $\frac{1}{2}$ | | |

All which your Committee humbly submit to the House

Signed p Order John Gibson Cl Com^{ee}

A Bill Entituled an Act for the Speedy and Effectual Publication of the Laws of this Province and for the Encouragement of Jonas Green of the City of Annapolis Printer read the first time and ordered to lye on the Table.

A Bill Entituled an Additional Supplementary Act to the Act entituled an Act for the Tryal of All Matters of Fact in the several Counties where they have risen or shall arise, the Continuance of Causes in the Provincial Court and adjournment of that Court, read the first time and ordered to lye on the Table.

The House adjourns untill to morrow morning at 9 of the Clock.

Wednesday Morning May 10th 1738

May 10

The House met according to adjournment. All present as Yesterday.

The Bill Entituled an Act reviving the several Acts therein Mentioned, read the second time and will not pass

On reading the Report from the Committee appointed to inspect into the Arms and Ammunition &c^a Ordered that the Committee of Laws prepare an Address to the Governour to request his Excellency to order the Accounts of the Distribution of the 3^d p hogshead appropriated for Arms and Ammunition to be laid before this House.

Benjamin Tasker Esq^r from the Upper House delivers M^r Speaker the Bill Entituled an Act repealing that part of an Act of Assembly Entituled an Act to prohibit the Exportation of Grain Bread and Flower &c^a indorsed (See page 150.)

L. H. J. And further indorsed by the Upper House of Assembly, 10th May
Lib. No. 45 1738 read the second time and will pass.

Signed p order J Ross Ct Up Ho. which Bill was here read and passed for ingrossing

Cot Ward from the Upper House delivers M^r Speaker a Bill Entituled an Act to prohibit the importation of, and selling Horses in this Province brought from any Colony, Province, Plantation or place on this Continent into this Province, indorsed by the Upper House of Assembly, 9th May 1738 read the first time and ordered to lye on the Table.

Signed p Order J Ross Ct Up House

p. 758 And further indorsed by the Upper House of Assembly 10th May 1738 read the second time and will pass

Signed p Order J Ross Ct Up H. which Bill was here read the first time and ordered to lye on the Table.

M^r Denton from the Committee of Laws brings in the following Address to the Governour viz.

To his Excellency Samuel Ogle Esq^r Governour of Maryland.

The humble Address of the Lower House of Assembly

May it please Your Ex^cy.

It appearing to this House that out of the Duty of 3^d p hogshead raised for purchasing Arms and Ammunition for the defence of this province, as also out of the money raised by Virtue of an Act for laying an Imposition of 3^d p hh^d on all Tobacco to be exported out of this Province for the Time therein mentioned, there hath been paid to Your Ex^cy the Sum of £530..7..6 wherefore we humbly pray that your Ex^cy will be pleased to Order an Account to be laid before this House shewing to what uses the said Sum hath been applied.

Which was approved and ordered to be engrossed.

The House adjourns untill three of the Clock in the Afternoon. Post Meridiem. The House met according to Adjournment.

The Address to the Governour being ingrossed, Col^o Hanson and M^r Matthews sent to acquaint the Governour therewith, They return and acquaint M^r Speaker the Governour will be ready to receive the Address in half an hour in the Conference Chamber.

A Bill entituled an Act to Encourage the making of Linnen Cloth within this Province, of Flax or Hemp of the growth thereof. read the first time and ordered to lye on the Table.

The Address to the Governour sent by Cot King and five more. A Bill reviving an Act of Assembly Entituled an Act for the Advance-

ment of Justice as also an Act of Assembly Entituled a Supplementary Act to the Act for advancement of Justice.

L. H. J.
Lib. No. 45

A Bill Entituled an Act reviving an Act of Assembly entituled a Supplementary Act to the Act Entituled an Act laying an importation on of Negroes and on several Sorts of liquors imported and also on Irish Servants to prevent the too great a number of Irish Papists into this Province.

A Bill entituled an Act reviving an Act of Assembly Entituled an Act for naturalization. A Bill entituled An Act reviving an Act of Assembly Entituled an Act concerning Ordinaries and for the better regulating of Inn-holders and Ordinary Keepers within this Province Severally read the first time and ordered to lye on the Table.

The Governour communicated to the House the following Answer to the Address of this House this day presented (Viz)

Gentlemen of the Lower House of Assembly.

I have perused your Address delivered to me this Day Setting forth that it appears to your House that there has been paid to me the Sum of Five hundred and Thirty pounds Seven Shillings and six pence Stert out of of the three pence p^h raised for purchasing Arms and Ammunition for the Defence of this province as also out of the money raised by Virtue of an Act for laying an imposition of three pence p^h on all Tobacco to be exported out of this province for the Time therein mentioned wherein you desire an Account may be laid before your House Shewing to what uses the said Sum hath been applied.

I should be very sorry to give the Lower House of Assembly the least reason to imagine that any Money paid to me has been applied to any other uses than those to which it was appropriated. As to the particular Sums that have been received by me and remitted to England for the purchasing of Arms and Ammunition, with the account of what is already laid out and what is still remaining in the Merchants hands of the said money shall be laid before you.

Sam Ogle.

The House adjourns untill to morrow morning at 9 of the Clock p. 759

Thursday Morning May 11th 1738

May 11

The House met according to Adjournment. All present as yesterday, except Major Sprigg

A Bill Entituled an Act reviving an Act of Assembly Entituled an Act lycensing Pedlars and Hawkers.

L. H. J. A Bill Reviving an Act of Assembly Entituled an Act for raising
Lib. No. 45 three pence p hogshead on all Tobacco to be exported, for purchasing Arms and Ammunition for the Defence of this province.

A Bill reviving an Act Entituled an Act to prevent the injuring Harbours within this Province and for repealing the Act therein mentioned.

A Bill reviving an Act of Assembly intituled an Act for the relieving the Inhabitants of this Province from some Aggreivances in the prosecutions of Suits at Law, as also an Act of Assembly intituled a Supplementary Act to the Act for the relieving the Inhabitants of this Province from some Aggreivances in the prosecution of Suits at Law, Severally read the first time and ordered to lye on the Table.

Edmund Jenings Esq^r from the Upper House delivers M^r Speaker a petition of Benjamin Howard of Ann Arundell County praying leave to bring in a Bill to invest him with an Estate in Fee Simple in and to a Tract of Land called Ropers Neck &c ^a indorsed recommended by the Upper House of Assembly to the Consideration of the Lower House, which was here read.

Ordered that M^r Henry, M^r Trippe and M^r Samuel Smith and M^r Wootton enquire into the facts contained in the petitions and make report thereof to the House.

George Plater Esq^r from the Upper House delivers M^r Speaker the Bill entituled an Act to impower the Justices of Prince Georges County to raise levy and Assess the money therein mentioned on the Taxable Inhabitants of Queen Ann Parish in said County &c^a indorsed thus (See pages 151 and 152.)

Which Bill here read and passed with the Amendment proposed, for ingrossing.

Philip Lee Esq^r from the Upper House delivers M^r Speaker a petition of John Lang Rector of Assembly, which was here read and leave given to bring in a Bill as prayed.

The Governour laid before this House the following Account, Viz. An Account of money remitted to M^r Hyde for the purchasing of Arms and Ammunition.

M^r Samuel Hyde D^r

| | |
|---|-------------------|
| To Co ^t Youngs order payable to me by Order of } Council dated 21 st July 1733 remitted you | 200.. 0.. 0 |
| To Co ^t Youngs order payable to me pursuant to an } Act of Assembly dated 24 th Sep ^r 1734 remitted you | 238.. 15.. 10 |
| To James Hollyday Esq ^r his Order payable to me } pursuant to Act of Assembly remitted you | 91.. 11.. 8 |
| | <hr/> 530.. 7.. 6 |

| Per Contra | C ^r | L. H. J. Lib. No. 45 |
|--|----------------|-------------------------|
| 1733. By 20 half Barrels of Gun powder Ship'd in } the Baltimore, Walter Hoxton Master | 34.. 0.. 0 | |
| 1734 By 20 half Barrels of Gunpowder Ship'd in the } Henrietta Jernegan Biggs Master | 34.. 0.. 0 | |
| 1735 By 40 half Barrels of Gunpowder Ship'd in the } Baltimore, Dan ^l Watts Master | 75.. 14.. — | |
| By 50 Carabines w th Bayonetts and Slings and 50 } carterage Boxes, & charges thereon, Shipp'd as } above | 96.. 14.. 4 | |
| | 240.. 8.. 4 | |
| By Ballance remaining in M ^r Hyde's hands to pur- } chase horse Arms & Ammunition that are be spoke } | 289.. 19.. 2 | |
| | 530.. 7.. 6 | |
| Signed p Order J Ross Cl Counc. | | |

M^r Dulany ordered to prepare an Address to the Governor in Answer thereto

M^r Dulany brings in the following Address.

To his Excellency Samuel Ogle Esq^r Governour of Maryland

The humble Address of the Lower House of Assembly

p. 760

May it please Your Excellency.

We return your Ex^cy Our unfeigned thanks for your readiness in directing the Account to be laid before us, how the money mentioned in Our last Address has been applied, which account we have received, and is full and Satisfactory: And we beg leave to embrace this Opportunity to assure your Excellency, that Our desiring the Account of the said money did not proceed from any Apprehension that you had misapplied any of it, but because we conceived it to be our Duty to enquire how any money assessed on the People we represent, has been disposed of. Your Conduct ever since this province has had the happiness of being under your administration, has been so just in every part of it, as to convince every Member of this House, that you have the publick welfare and Interest sincerely at heart, And that you detest any thing unbecoming a Man of Honour and the best of Governours.

Which was read, approved and ordered to be ingrossed.

The Address to the Governour being ingrossed and prepared; Co^{ff} King and M^r Matthews sent to acquaint the Governour therewith, and to know when and where he will receive it, they return and acquaint M^r Speaker, the Governour will be ready to receive it immediately in the Conference Chamber. William Stoughton Esq^r and five more ordered to present the Address.

The House adjourns untill 3 of the Clock in the Afternoon

L. H. J. Post Meridiem. The House met according to Adjournment.
 Lib. No. 45

The Bill Entituled an Act to encourage the making of Linnen Cloth within this Province of Flax or Hemp of the growth thereof, read the second time, passed, and sent to the Upper House by M^r Moale and M^r Weems.

A Bill Entituled an Act reviving an Act of Assembly Entituled a Supplementary Act to the Act Entituled an Act, laying an imposition on Negroes and on Several Sorts of Liquors, and also on Irish Servants to prevent the importing too great a Number of Irish Papists into this Province. A Bill entituled an Act reviving an Act of Assembly entituled an Act for the advancement of Justice, as also an Act of Assembly intituled a Supplementary Act to the Act for advancement of Justice, Severally read the second time, passed and sent to the Upper House by M^r Henry and Captain Ennalls.

An ingrossed Bill Entituled an Act for repealing that part of an Act of Assembly entituled an Act to prohibit the Exportation of Grain, Bread and Flower, so far as relates to the Exportation of Wheat Bread and Flower only, read and assented to, and sent to the Upper House with the Paper Bill by M^r Waughop and M^r Weems.

The Bill entituled an Act reviving an Act of Assembly Entituled an Act for naturalization read the second time, passed and sent to the Upper House by M^r Sheredine and M^r Rumsey. Col Hammond from the Upper House delivers M^r Speaker a petition of William Biggs a languishing Prisoner in S^t Marys County Goal: A Petition of William Gibson a languishing prisoner in Queen Ann's County Goal: a petition of James Ranton a languishing Prisoner in Prince Georges County Goal, a petition of William Jones a languishing Prisoner in Queen Anns County Goal: a Petition of Peter Hyat a languishing Prisoner in Prince Geo: County Goal also the petition of Philip Finn & Ezekiel Orrick languishing prisoners in Ann Arundell County Goal: were severally read and leave given to bring in a Bill.

Vide
 Black Book
 No. 6 Letter
 No. 53.
 Petition
 dated
 April 20

M^r Matthews from the Committee of Aggreivances delivers M^r Speaker the following report.

By the Committee of Aggreivances and Courts of Justice
 May 11th 1738

Your Committee having examined the latest Commissions they could have of the Provincial and Assize Courts, find the same agreeable to the Resolves of your honourable House, and that the several Magistrates therein mentioned took the Oaths of Judge or Justice as by the late Act of Assembly is directed, and other Oaths by Law appointed, and that Your Committee upon Enquiry into the Commissions granted to the several County Courts The Clerk of the Councill informed your Committee that there hath been no

returns made to the Chancellors Office, nor knows of any made according to the Dedimus potestatem, except one from Queen Anns County returned to his Ex^{ty} the Governour, which your Committee conceives to be an Omission of their duty and which is most humbly submitted to the Consideration of the House

L. H. J.
Lib. No. 45

Signed p Order of the Committee Tho^s Lynn Cl.

The House concurs with the aforesaid Report.

Cot Hanson from the Committee of Elections &c^a delivers the following Report

By the Committee of Elections and Priviledges 11th May 1738

Your Committee having Examined the Writs and inspected the several Indentures of the members returned to serve this Assembly do find, That M^r Jn^o Read, M^r James Waughop, M^r James Swan and M^r Thomas Aisquith, Members returned for S^t Marys County are duly elected. That M^r John Courts, M^r William Middleton, M^r Bayne Smallwood and Cot Robert Hanson Members returned for Charles County are duly elected.

That Cot John Makal, M^r Benjamin Makal, M^r Walter Smith and M^r James Weems members returned for Calvert County are duly elected. That M^r John Stoddert, Major Edward Sprigg, M^r John Magruder and M^r Turner Wootton, members returned for Prince George's County are duly elected.

That Daniel Dulany Esq^r M^r Vachel Denton, M^r Philip Hammond and M^r Samuel Smith members returned for Ann Arundell County are duly elected. That Daniel Dulany Esq^r and Doctor Charles Carroll Members returned for the City of Annapolis are duly elected.

That Captain Thomas Sheredine, M^r Roger Matthews, M^r John Moale and M^r Richard Caswell members returned for Baltimore County are duly elected. That Cot Levin Gale Col Robert King M^r William Stoughton and M^r Robert Jenckins Henry members returned for Somerset County are duly elected. That Cot Henry Hooper, Captain Henry Trippe, Captⁿ Bartholomew Ennalls and M^r John Brannock, members returned for Dorchester County are duly elected. That M^r Nicholas Goldsborough, M^r William Thomas M^r Edward Lloyd and M^r Robert Lloyd, Members returned for Talbot County are duly elected. That M^r Grundy Pemberton, M^r Solomon Clayton, M^r Tho^s Wilkinson and M^r Edward Wright, Members returned for Queen Anns County are duly elected.

That M^r George Willson, M^r Philip Kennard, M^r Thomas Smith and M^r Charles Hynson, Members returned for Kent County are duly elected. That M^r Joshua George, Cot Thomas Colvil, M^r William Rumsey and M^r Alphonso Cosden, Members returned for Cecil

L. H. J. County are duly elected. All which Your Committee humbly Submit to the Consideration of the House.

Signed p Order Jn^o Gibson Ct Com^{ee}

M^r Matthews from the Committee of Aggrievances delivers M^r Speaker the following Speech.

By the Committee of Aggrievances and Courts of Justice
May 11th 1738.

Your Committee having received information that the Justices of Talbot County in March last having then and there at the said County Court House a Jury of inquiry, which said Jury having received Information of some tortious Actions of One Jacob Gore Cryer of the same Court, by which They apprehended the people of that County were grievously vexed contrary to the peace and against his Lordships good rule and Government did require of the same Justices that Summons might issue for three or four persons by whose Evidences the truth of the premises might appear, And that the Justices of the same Court or the Major part of them then and there judicially Sitting did refuse and deny to issue any precept or Summons whatsoever by which practice Your Committee are apprehensive the ancient Rights and Priviledges of his Majesty's Subjects in this province are invaded, and their Security by being tryed by Jurys endangered the common course of Justice obstructed, and also that these things do greatly tend to alienate the Affections of the people from his Lordship the Lord Proprietary and his Government.

Your Committee having also received information that the Justices of Talbot County Court do cause all persons are who so unhappy as to be bound to attend that Court, not only those for breaches of the Peace or transgressing any of the penal Laws of this Province, but such as have been only bound to keep the Peace for their good behaviour before they are discharged, to enter into recognizance for the payment of All such Fees as the Officers of said Court shall charge them with, by means whereof many of the poorer Sort of People of that County has been grievously vexed, not only by the increase of Fees occasioned thereby, but by Actions commenced of the said Recognizances, which practices Your Committee conceive to be grievous to his Majestys Liege Subjects the People of this Province: and humbly submit them as such to the Consideration of the House

Signed p Order of the Committee Tho^s Lynn Ct

The House adjourns untill to morrow morning at 9 of the Clock.

Friday morning May 12th 1738

L. H. J.
Lib. No. 45
May 12

The House met according to Adjournment

Ordered that the Clerk issue summons's for the several Justices of Talbot County (except M^r William Clayton and M^r Lowe) to attend this House on Friday next, also for the Clerk of the said County Court to attend this House on the same day, and to require him to bring an Authentick Copy of the recognizances usually taken for the payment of Fees in criminal Cases in the said County, also for the Clerk of the Indictments in the s^d County and also for the Cryer of the said County Court.

The Governour communicated the following Answer to the Address of this House presented yesterday. (Viz^t)

Gentlemen of the Lower House of Assembly.

I return you thanks for your kind Address delivered to me yesterday and shall be ever far from thinking that your desiring any account of the publick money can imply any Apprehension on your part that the Same has been misapplied.

It is certainly your Duty to enquire how any money Assessed on the People you represent has been disposed of, and I assure you, I shall always be as ready to lay such Accounts before your House, as you can be to desire them: but at the same time it must be acknowledged that in applying for the most reasonable thing such Expressions may be made use of, as may be capable of a Construction very contrary to the true intent and meaning of such Application.

Sam: Ogle

The House adjourns untill 3 of the Clock in the Afternoon

Post Meridiem. The House met according to Adjournment

The Bill Entituled an Act reviving an Act of Assembly entituled an Act for relieving the Inhabitants of this Province from some Aggrievances in the prosecution of Suits at Law, read the second time and passed. The Bill entituled an Act reviving an Act entituled an Act to prevent the injuring of Harbours within this province and for repealing the Act therein mentioned read the second time and passed. Which two Bills sent to the Upper House by M^r Matthews and M^r Rumsey. The Bill Entituled an Act reviving an Act of Assembly entituled an Act concerning Ordinaries and for the better regulating of Inn holders and Ordinary Keepers within this Province, read the second time and passed. The Bill entituled an Act reviving an Act of Assembly entituled an Act for Lycensing Pedlers and Hawkers, read the second time and passed, which two Bills sent to the Upper House by M^r William Stoughton and M^r Robert Lloyd.

L. H. J. Edmund Jenings Esq^r from the Upper House delivers M^r Speaker
 Lib. No. 45 a Bill entituled an Act reviving an Act of Assembly Entituled a
 Supplementary Act to the Act entituled an Act laying an imposition
 on Negroes and on several Sorts of Liquors imported, and also on
 Irish Servants to prevent the importing too great a number of
 Irish Papists into this Province, indorsed on the back thus. (See
 page 154.)

And thus by the Upper House of Assembly May the 12th Read
 the second time & will pass.

Sign'd p order Jn^o Ross Ct Up Ho.

Which Bill was here read and passed for ingrossing.

George Plater Esq^r from the Upper House delivers M^r Speaker
 the Bill entituled an Act reviving an Act of Assembly Entituled an
 Act for naturalization. And the Bill entituled an Act reviving an
 Act of Assembly Entituled an Act for the Advancement of Justice,
 p. 763 as also an Act of Assembly Entituled a supplementary Act to the
 Act for the Advancement of Justice, severally indorsed by the Upper
 House of Assembly 11th May 1738 read the first time and ordered to
 lye on the Table.

Signed p Order J Ross Ct Up^r Ho. and thus indorsed by the
 Upper House of Assembly May 12th 1738 read the second time
 and will pass.

Signed p Order J Ross Ct Upper Ho. which two Bills were
 here read and passed for ingrossing.

An ingrossed Bill Entituled an Act to impower the Justices of
 Prince George's County to raise Levy and Assess the money therein
 mentioned on the Taxable Inhabitants of Queen Ann Parish in said
 County &c^a

And the ingrossed Bill entituled an Act repealing an Act entituled
 an Act for the Speedy and effectual publication of the Laws of this
 province and for the encouragement of William Parks of the City
 of Annapolis Printer as also one other Act entituled an Act reviving
 an Act of Assembly entituled an Act for the Speedy and effectual
 publication of the Laws of this Province and for the Encouragement
 of William Parks of the City of Annapolis Printer. And also One
 other Act Entituled a Supplementary Act to the Act entituled an Act
 for the Speedy and more effectual Publication of the Laws of this
 Province, and for the Encouragement of William Parks of the City
 of Annapolis Printer, severally read and Assented to; sent to the
 Upper House by M^r Wootton and M^r Smallwood.

The Bill entituled an Additional Supplementary Act to the Act
 entituled an Act for the Tryal of all matters of fact in the several
 Counties where they have arisen or shall arise, the Continuance of
 Causes in the Provincial Court and adjournment of that Court, read

the second time and passed and sent to the Upper House by M^r Henry and M^r Weems. L. H. J.
Lib. No. 45

An ingrossed Bill entituled an Act reviving an Act of Assembly entituled an Act for naturalization, read and Assented to, and sent to the Upper House with the paper Bill thereof by M^r Weems and Capt. Caswell Philip Lee Esq^r from the upper House delivers the Petitions of Richard Dalton and Joseph Large languishing Prisoners in Ann^l County Goal, indorsed, referred to the Consideration of the Lower House of Assembly, which Petitions were here read and Granted. Vide
Petition of
R. Dalton in
Black Book
No. 6
Letter
No. 52

The House adjourns untill to morrow morning at 9 of the Clock

Saturday Morning May 13th 1738.

May 13

The House met according to Adjournment

M^r Matthews from the Committee of Aggrievances &c^a delivers the following Report

By the Committee of Aggrievances and Courts of Justice May 13th 1728.

Your Committee having received information that some time in April or May in the year 1736 Peter Taylor Esq^r then High Sheriff of Dorchester County having a Comon Capias did arrest a certain Thomas Brannock of the same County, that the said Sheriff did constitute the said Thomas Brannock his Bailiff, who acted as such, and continued in the said Condition till Court and was then brought by said Sheriff into Court as his prisoner. That notwithstanding the aforesaid Service done by the said Thomas Brannock for the said Sheriff, He the said Sheriff charged him full Fees, Viz^t Twenty pounds of Tobacco p day, allowing him no Satisfaction for his Services aforesaid.

That the said Thomas Brannock on his Appearance in Dorchester County Court by Francis Allen his Attorney did move to have his Appearance entered, on which Condition He would give Bail Altho the plaintiff had not entituled himself thereto, both which He thought himself entituled to.

To the first (without Bail) because no Cause of Action Did then appear in Court, and to the second because He conceived it to be his right by the Laws of the Land, which right He had not to his Knowledge forfeited, but to his great grievance was refused both: and told by that Court He must come to Tryal immediately, for that M^r Charles Goldsborough the plaintiff was an Officer of that Court and thereby had right to have it so done, by means of which hasty proceedings the aforesaid Thomas Brannock was obliged to Suffer under a Judgment, which was the utmost rigour put into Execution against him. Your Committee do humbly conceive that the Sheriffs pro- p. 764

L. H. J. ceeding was very unjust, and that the Court denying an imparlance
 Lib. No. 45 did Act Arbitrarily, which proceedings are an Aggrievance in their
 Opinion, but humbly submit it to all the Consideration of the House.

Signed p Order of the Committee Tho^s Lynn Cl.

Mr Matthews from the Committee of Aggrievances delivers following Report

By the Committee of Aggrievances and Courts of Justice
 May 13th 1738.

Your Committee on the complaint of Mr John Brannock of Dorchester County a Member of your Honourable House, conceive that Mr Peter Taylor late Sheriff of the said County and John Mackall as under sheriff of the said Taylor have committed divers Extortions Exactions and grievous Offences, against the Rights and Liberty of the Subject, and contrary to all good rules and Justice which ought to subsist in any Civil Society

1st The said Peter Taylor having an Execution for John Philips of the said County at the Suit of Charles Goldsborough Clerk of the said County, the said Philips went to the said Goldsborough and paid the debt for which the said Execution issued, and had from the said Clerk a note or Letter to Signify a countermand of the said Execution to the Sheriff, notwithstanding which He the said Philips was executed and obliged to pay full Execution and Imprisonment Fees.

2^{dly} That under the colour of a Judgment obtained by Mr Mordecai Hammond of Ann Arundell County, against Thomas Pattison of Dorchester County and without the knowledge of the said Hammond under colour of a second Execution on the said Judgment altho a former had been complied with by the said Pattison to John Mackeel as under Sheriff of the s^d Taylor He the s^d Mackeel obliged him the said Pattison to pay the Debt a second time and Charges of Execution on such second pretended Execution.

3^{dly} That under colour of his Office and by menacing Speeches, violent threats and by a powerful hand, the said John Mackeel as Under Sheriff afs^d did take and carry away from a certain Oliver Fairbrother of the said Dorchester County one plow-horse of the Value at least of twelve pounds, altho the said Fairbrother did not owe the said Sheriff more than two Levies or some such trifle.

4^{thly} That the said John Mackeel under colour of his said Office took and carried away a plow Horse of the Value of ten pounds, from a certain Mary Saunders of the said County altho the said Mary did not owe the said Sheriff above a couple of Levies.

5^{thly} That the said John Mackeel under colour of his said Office took and carried away from a certain Charles Grayham of the said

County Two Cows and two Yearling Steers Value at least seven pounds altho the said Thomas did not owe the said Sheriff above the Sum that may arise to two Levies, with many more Exactions and Extortions Committed by the said John Mackeel but too long to enumerate, which foregoing recited Acts your Committee conceive to be Aggrievances, but humbly Submit to your honourable House.

L. H. J.
Lib. No. 45

Signed p order of the Committee, Tho^s Lynn Cl.

M^r Matthews delivers following report.

By the Committee of Aggrievances and Courts of Justice
May 13th 1738.

Your Committee having received a complaint from M^r John Brannock one of the members of your Honourable House, that the said John Brannock gave Bonds payable to Edmund Jenings Esq^r with power to confess Judgment on the said Bonds For Fees arising due to the said Edmund Jenings as Secretary of this Province, which Bonds the said Edmund Jenings remitted to M^r Peter Taylor then Sheriff of Dorchester County to be received, that the said John Brannock offered to pay the said Taylor and his Deputy John Mackeel the said several Fees due and for which the said Bonds were taken, notwithstanding which tenders, and repeated Messages to the said Taylor to receive the said Tobacco, He the said Taylor contrary to all justice reason and Law, procured Judgments to be rendred on the said Bonds, and the said John after rendring the said Judgments made tender of the said Tobacco, notwithstanding which repeated Tenders and Messages of him the said John Brannock He the said John was served with Executions on the said Judgments and his Body detained in prison to his great Expence and damage both of his Person and Fortune, which Actings and Doings your Committee conceive to be a great Aggrievance and Abuse of the right and Liberty of the Subject and therefore humbly submitted to your Honourable House

p. 765

Signed p Order of the Committee Tho^s Lynn Cl.

On reading the said Reports the House ordered the Clerk to issue Summonses for the several Persons therein complained of, and ordered M^r Brannock to inform the Clerk of the Persons names, and likewise the names of the several Evidences to the Facts that Summonses may issue requiring Them to attend this House next Monday Seven night.

Benjamin Tasker Esq^r from the Upper House delivers M^r Speaker the Bill entituled an Act reviving An Act of Assembly entituled an Act concerning Ordinaries &c^a

L. H. J.
Lib. No. 45

The Bill intituled an Act reviving an Act of Assembly intituled an Act for releiving the Inhabitants of this Province from some Aggrievances in the prosecution of Suits at Law &c^a The Bill intituled an Act reviving an Act of Assembly intituled an Act for licensing Pedlars and Hawkers. The Bill intituled an Act reviving an Act intituled an Act to prevent the injuring Harbours within this Province and for repealing the Acts therein mentioned. And the Bill intituled an Additional Supplementary Act to the Act intituled an Act for the Trial of all Matters of Fact in the several Counties where they have arisen or shall arise &c severally indorsed

By the Upper House of Assembly 12th May 1738 read the first time and ordered to lye on the Table

Signed p Order J Ross Ct Up House. And thus by the Upper House of Assembly May 13th 1738 read the second time and will pass.

Signed p Order J Ross C^l Up House.

Which Bills severally read here and passed for ingrossing.

Col^d Ward from the Upper House delivers M^r Speaker the Bill intituled an Act to encourage the making of linnen Cloth within this Province of Flax or Hemp of the growth thereof indorsed. (See page 158.)

Which Bill with the Amendments proposed, passed for engrossing.

M^r Robert Jenckins Henry brings in a Bill Entituled an Act for ascertaining the Gauge for Barrells for Pork and Beef and the neat Pork and Beef to be therein contained, read the first time and ordered to lye on the Table.

The House adjourns until Monday morning at 9 of the clock

May 15

Monday morning May 15th 1738

The House met according to adjournment. All present as on Saturday. M^r Hammond appeared this Morning.

p. 766

An ingrossed Bill reviving an Act of Assembly intituled a Supplementary Act to the Act intituled an Act laying an imposition on Negroes and on several Sorts of liquors and also on Irish Servants to prevent the importing too great a number of Irish papists into this Province, and the ingrossed Bill intituled An Act reviving an Act of Assembly intituled an Act for the Advancement of Justice, as also an Act of Assembly intituled a Supplementary Act to the Act for Advancement of Justice, severally read and Assented to and sent to the Upper House, with the paper Bills by M^r Hynson and M^r Rumsay

M^r Matthews from the Committee of Aggreivances and Courts of Justice delivers M^r Speaker following Report. L. H. J.
Lib. No. 45

By the Committee of Aggreivances and Courts of Justice
May 15th 1738.

Your Committee having received information that the Honourable Henry Hooper and Stephen Knight Esq^{rs} two of his Lordships Justices of the Provincial Court being appointed to ride the Circuit on the Eastern Shore, at the Court of Assize held for Talbot County, at the said County Court House in April last past being and judiciously Sitting, did receive a presentment of their Grand Jury of inquest against several of the Justices of the same County Court, for that They the said County Justices had refused to issue Subpena's at the request of the Grand inquest at the Court held for the said County in the month of March last past (as will more plainly appear by the Presentment herewith brought into this Honourable House) which Presentment the said Henry Hooper and Stephen Knight did not only quash, but on an Application of the then grand inquest for subpeneing three or four Witnesses by whose Evidence they the said Jurors might inquire into the truth of certain Offences (said to be committed in that County) against the good rule and Government of this Province, One whereof being supened and sworn did refuse to send to said inquest, and others to summon, telling the said Jurors they must advize with his Lordships Prosecutor and inform him of the facts and Persons of which and against whom their Inquiries were levelled, Otherwise They the said Jurors should have no Evidence, that the then Jury conceiving such an Information would be a Manifest breach of their Oath, did inform the said Justices of Assize that then They could proceed no farther, notwithstanding which the aforesaid Justices did persist in their refusal. All which practices your Committee conceive to be not only an Omission of the duty of their Office, but an invasion of the Rights and Liberties of his Majesty's Liege Subjects of this Province and particularly on that part the Trial by Juries, and therefore submit them to the Consideration of this Honourable House.

Signed p Order of the Committee Tho : Lynn Cl.

We the Grand Jurors for Talbot County upon Our Oaths do present Thomas Bozman, Rizdon Bozman, John Leeds, Anthony Richardson and John Robins, they being the Major part of the Justices of the County Court then Sitting, for that They at the Court held for Talbot County aforesaid March last past then and there judic^{ly} sitting as Members of the same Court and Application being made to them to issue Summonses for witnesses by the then Grand Jury who were on Enquiries pursuant to their Oaths and Charge, the aforementioned Justices did refuse to issue such summons's to the great

L. H. J. discouragement of all Inquisitors and obstruction of Justice as well
 Lib. No. 45 as encouragement of Evil Doers.

| | |
|---|---------------------------------------|
| Test | N. Goldsborough, Foreman. |
| John Edmondson | On the back of the foregoing present- |
| Thom ^s Steward | ment was thus indorsed. Quashed |
| Nich ^s Goldsborough jun ^r | by order of the prosecutor, Test, |
| William Edwards. | Tho: Gough Cl. |

The house adjourns untill 3 of the Clock in the Afternoon.

Post Merediem. The House met according to Adjournment

p. 767 M^r George Wilson a member returned to serve for Kent County appeared in the House This afternoon. M^r Thomas Smith and M^r Hinson sent to the Upper House to see him qualified by taking the several Oaths to the Government required by Law, by signing the said Oaths and by repeating and signing the Test.

A Bill entituled an Act for the more effectual Publication of the Laws of this Province and for the encouragement of Jonas Green of the City of Annapolis Printer, read the first time and ordered to lye on the Table.

A Bill entituled an Act to enable the Justices of the Provincial Court for the future to continue Causes when they see convenient one Court longer than is already prescribed by Act of Assembly, read the first time and ordered to lye on the Table.

Col^d Hammond from the Upper House delivers M^r Speaker the Petitions of the Church-Wardens and Vestry men of S^t Johns Parish in Baltimore County praying leave to bring in a Bill to raise an Assessment on the Inhabitants of said Parish for the building a Parsonage House upon the Glebe Land indorsed recommended to the consideration of the Lower House of Assembly And the Petitions of the Subscribers Inhabitants about the head of Potapscoe River praying leave to bring in a Bill to erect a Town there indorsed referred to the consideration of the Lower House of Assembly on the question

The Bill entituled an Act continuing an Act of Assembly entituled an Act for raising a Duty of 3^d p hh^d &c. referred for a further Consideration on Thursday next.

The House adjourns untill to morrow morning at 9 of the Clock

May 16

Tuesday morning May 16th 1738

The House met according to Adjournment All present as yesterday, except Col^d. Gale.

The Bill entituled an Act for the more effectual Publication of the Laws of this Province and for the encouragement of Jonas Green

of the City of Annapolis Printer read the second time and passed, ^{L. H. J.}
sent to the Upper House by M^r Goldsborough and M^r Wilkinson. ^{Lib. No. 45}

The Bill entituled an Act to enable the Justices of the Provincial Court for the future to continue Causes when they see Convenient one Court longer &c read the second time and on the question will not pass. On motion leave given to bring in a Bill to continue All Causes one Court longer, that would otherwise be discontinued this May Provincial Court. The Bill entituled an Act ascertaining the gauge for barrels for Pork &c^a read and Committed for Amendments.

James Holliday Esq^r from the Upper House delivers M^r Speaker a Petition of Charles and Clement Sewall praying if it be thought for the publick good to continue the Settlement made by the Assembly in 1669 of a certain Tract of Land called Darby without Satisfaction then made to the Petitioners Father to whom it then belonged in Fee, to make now to Your Petitioners Satisfaction for the same who by the will of the Petitioners Father are appointed to make Sale thereof.

The House adjourns untill three of the Clock in the afternoon

Post Meridiem. The House met according to adjournment, All present as in the Morning

The Petition of Charles and Clement Sewall being read, M^r Hammond, M^r Henry, Co^t Colvill, M^r Hynson and M^r Rumsey appointed a Committee to enquire into the Facts therein contained and make Report to the House.

A Petition of the Freeholders of Kent County complaining of an undue Election of M^r Charles Hynson read and referred to the Committee of Elections and Priviledges.

An ingrossed Bill entituled an Act reviving an Act of Assembly entituled an Act concerning Ordinaries and for the better regulating of Inn holders and Ordinary Keepers within this Province. An ingrossed Bill entituled an Act reviving an Act of Assembly entituled an Act to prevent the injuring Harbours within this Province and for repealing the Act therein mentioned.

An ingrossed Bill entituled an Additional Supplementary Act to the Act entituled an Act for the Trial of all matters of fact in the Several Countys where They have arisen or shall arise, the Continuance of Causes in the Provincial Court and adjournment of that Court, severally read, assented to, and sent to the Upper House with the Paper Bills by M^r Samuel Smith and M^r Swan

Co^t Hammond Treasurer of the Western Shore having sent to M^r Samuel Hyde merchant in London for some Books paper, Ink &c^a for the Use of the Publick, and said Hyde having sent the same accordingly, Amounting to £50..15..10 when He had not any other p. 768

L. H. J. money in his hands than such as arose on the Duty of 3^d p hh^d for
 Lib. No. 45 arms and Ammunition. Ordered that an Order be drawn on M^r
 William Hunt Merchant in London payable to the said Samuel Hyde
 for the said Sume of £50..15..10 Sterl. out of the money in said
 Hunts hands due from him to the Publick.

M^r Matthews delivers following Report

By the Committee of Aggreivances and Courts of Justice
 May 16th 1738.

Your Committee observing that the Fees of several Officers and Ministers of this Province their deputed Ministers Servants and Officers are in Themselves as now paid excessive great and Oppressive to the Subject, that the said Fees are under no regulation of any Law of this Province that appear to your Committee.

That the said Officers and Ministers their deputed Ministers Servants and Officers by a power of a proclamation of the Right Honourable the Lord Prop^ry dated the 14th day of April 1733 and one order of Council dated 15th of July 1735, hereunto annexed, charge, levy, raise and Receive from his Majestys Subjects of this Province such Fees so as afs^d burthensome, great and oppressive to the discouragement ruin and undoing many of his Majestys Liege Subjects, and even the said Colour of power is exceeded by the unlimited will of many of the said Officers Ministers and their Deputys, Your Committee most humbly conceive that by the Common and Statute Laws of our Mother Country Great Britain (which of undoubted right and by the resolves of your Honourable House the Subjects here have and are declared to have a right to enjoy) such like Fees have been Settled and regulated by Courts of Justice or by Acts of Parliament. Your Committee further most humbly observe that from the earliest time of the settlement of this Province by British Subjects such fees have been adjusted and regulated by Acts of the General Assembly and not by any other Power or Authority untill of late.

Your Committee most humbly conceive that such Proclamations or orders of Council binding or determining the right or Property of the Subject are invasions on the Fundamental Constitution of this Province under the Royal Charter and against the lawful rights and Liberties of his Majestys Leige Subjects.

Your Committee humbly observe that in one of the first Acts made, Fees were rated in Money and Tobacco, which rate in money being (no doubt) adequate to the Service, such Officers Ministers and their Deputies were thereby restrained not to exceed it.

Your Committee likewise most humbly observe that many poor Tradesmen, Artificers Labourers and others throughout this Province making no Tobacco, execute their Trade Artifice Labour or

other business for the current Money of the Province, yet by the said Ministers Officers and other Deputies are charged such Fees in Tobacco, which they having not to comply or able to procure, are necessitated and tortiously compelled to pay for the same excessive and exorbitant prices in such Current money to the ruin of many Families and their intire Extirpation out of this Province and discouragement of those who remain to follow such their useful arts Labour and Industry and becomes a hindrance to the Settlement of this part of his Majesty's Dominions by so useful a people, with many other Evils productive of the same, all which Your Committee most humbly conceive to be an Aggrievance of a high nature and loudly calls for redress, but submitted to the consideration of Your Honourable House.

L. H. J.
Lib. No. 45

p. 769

Signed p Order of the Committee. Tho^s Lynn Cl

The House adjourns untill to morrow morning at 9 of the Clock.

Wednesday morning May 17th 1738

May 17

The House met according to Adjournment &c^a

It appearing to this House that Co^t Levin Gale is appointed one of his Lordships Council of State Ordered that M^r Speaker issue his Warrant directing the Secretary of this Province to make out a new Writ of Election directed to the Sheriff of Somerset County to elect a new Member in the room of Co^t Levin Gale removed to the Upper House.

The following Message (Viz) (See page 161.)

Sent to the Upper House by Co^t Hanson and M^r Thomas Smith.

Edmund Jenings Esq^r from the Upper House delivers M^r Speaker the Bill intituled an Act for the Speedy publication of the Laws of this Province and for the Encouragement of Jonas Green of the City of Annapolis Printer indorsed. (See pages 160 and 161.)

Which Bill here read and with the Amendments proposed, passed for ingrossing.

A Bill intituled an Act for the continuance of Sundry Actions in the Provincial Court, read the first time and ordered to lye on the Table.

George Plater Esq^r from the Upper House delivers M^r Speaker following Message . (See page 161.)

The House adjourns untill 2 of the Clock in the afternoon.

Post Meridiem. The House met according to Adjournment

p. 770

On reading the Bill intituled an Act to prohibit the importation of, and Selling Horses, in this Province brought from any Colony,

L. H. J. Province &c^a the 2^d time, the question was put whether the said
 Lib. No. 45 Bill pass or not, resolved in the negative.

For the Affirmative.

| | | |
|---------------------------|---------------------------|---------------------------|
| Mr Waughop | Col ^t King | Major Sprigg |
| Mr Read | Mr Henry | Mr Hynson |
| Mr Aisquith | Col ^t . Hooper | Mr Hammond |
| Mr Kennard | Capt. Trippe | Mr Dulany |
| Mr Tho: Smith | Capt. Ennalls | Mr Denton |
| Mr Weems | Mr Sheredine | Mr Sam ^l Smith |
| Col ^t . Hanson | Mr Matthews | |
| Mr Smallwood | Cap ⁿ Caswell | |

For the negative

| | | |
|-----------------|---------------------------|---------------------------|
| Mr Swan | Mr Edw ^d Lloyd | Mr Stoddert |
| Mr Willson | Mr Robert Lloyd | Mr Wootton |
| Mr Mackall | Mr Thomas | Doct ^r Carroll |
| Mr Walter Smith | Mr Brannock | Mr Pemberton |
| Mr Courts | Mr George | Mr Wilkinson |
| Mr Middleton | Col ^t Colvill | Cap ⁿ Wright |
| Mr Stoughton | Mr Rumsey | Mr Clayton |
| Mr Goldsborough | Mr Moale | |

The said Bill being indorsed will not pass sent to the Upper House by Capⁿ Wright & Mr Courts.

On motion, leave given to bring in a Bill to lay a Duty on Horses Geldings Mares Colts or Fillies brought into this Province by land or water.

The question was put that a Bill be brought in to alter the Act concerning Adultery and Fornication, resolved in the affirmative.

Ordered a Bill be brought in Accordingly.

An ingrossed Bill Entituled an Act reviving an Act of Assembly entituled an Act for lycensing Pedlars and Hawkers read and assented to, and sent to the Upper House with the paper Bill by Mess^{rs} Matthews and Robert Lloyd.

The House adjourns untill to morrow Morning at 9 of the Clock.

May 18

Thursday Morning May 18th 1738

The House met according to adjournment &c^a

On reading the Bill entituled an Act for the Continuance of Sun-dry actions in the Provincial Court, the question was put that the said Bill pass.

resolved in the Affirmative

For the Affirmative

L. H. J.
Lib. No. 45

| | | |
|---------------------------------------|---------------------------------------|--------------------------|
| M ^r Aisquith | Co ^t Hanson | M ^r Rumsey |
| M ^r Kennard | M ^r Smallwood | M ^r Moale |
| M ^r Tho: Smith | Co ^t King | M ^r Sprigg |
| M ^r Hynson | M ^r Stoughton | M ^r Pemberton |
| M ^r Hammond | M ^r Henry | M ^r Wilkinson |
| M ^r Dulany | M ^r Goldsborough | M ^r Wright |
| M ^r Denton | M ^r Rob ^t Lloyd | M ^r Clayton |
| M ^r Sam ^l Smith | Co ^t Hooper | |
| M ^r Weems | Co ^t Colvill | |

For the Negative

| | | |
|--|---------------------------------------|-------------------------|
| M ^r Waughop | M ^r Courts | M ^r Matthews |
| M ^r Read | M ^r Edw ^d Lloyd | M ^r Caswell |
| M ^r Swan | M ^r Trippe | M ^r Stoddert |
| M ^r Wilson | M ^r Brannock | M ^r Wootton. |
| M ^r Walt ^r Smith | M ^r Ennalls | |

Col Hooper and M^r Courts sent to the Upper House with the following Message (see page 163)

The House adjourns untill 3 of the Clock in the Afternoon

p. 771
Vide
Black Book
No. 4
Letters
Nos. 63, 64,
66

Post Meridiem. The House met according to adjournment

The Door-keeper acquainting the Hoⁿble Speaker that M^r Ross was sent with a Message from the Hon^{ble} Upper House to this House. Ordered that the Clerk of this House acquaint M^r Ross that He is commanded by the Speaker and the Hoⁿble Members of the Lower House of Assembly to let him know that this House will not receive any Message from his Hands untill an Ans^wr be suitably returned by one or more Members of the Upper House to that Message sent this Day by Co^t Hooper and M^r Courts and the manner be Settled of sending Messages by the clerks of either House, this House will then receive the Mesages accordingly.

The Clerk acquaints the House he discharged his Trust.

The House adjourns untill to morrow Morning at 9 of the Clock

Friday morning May the 19th 1738

May 19

The Report of the Committee of Aggrievances relating to the Justices of Talbot County coming on this Day to be heard, the several Justices attended according to the Summonses of this House, who on reading the Report, made this Answer. As to the first part of the Report, They Severally make Answer, that the reason of their having refused Summonses to evidences offered to be sent up to the

L. H. J. Grand Jury was, because the Evidences refused to declare to the
 Lib. No. 45 Court what they were to be sent up to the Grand Jury for: and
 which they conceived they in their Judicial Capacity might do. As
 to the second part of the Report, complaining of their causing all
 persons obliged to attend their County Court, particularly such who
 are bound to keep the Peace, and for their good Behaviour to enter
 into recognizance for the payment of All such Fees as the Officers
 of said Court should charge Them with, They severally answer,
 they conceived They might do it, not only as it was heretofore used,
 but as it was several times argued in the Court and carried: That
 those persons should be obliged so to do.

An Order was made out to the Serjeant at Arms to take into his
 Custody immediately M^r John Leeds one of the Justices of Talbot
 County for expressions insulting the dignity and Honour of this
 House.

The House adjourns untill 3 of the Clock in the Afternoon

Post Meridiem. The House met according to adjournment

The Serjeant returned He took M^r John Leeds into his Custody.
 p. 772 M^r John Leeds in custody of the Serjeant attended at the Bar of
 this House.

Robert Newcomb an Evidence being ordered to Attend, was
 sworn on the Holy Evangils of Almighty God, and deposed, that
 in Conversation on the road in Talbot County with the said Leeds:
 the said Leeds asked him which way He was going. He the said
 Newcomb told the said Leeds, He was going to serve some Sum-
 monses from the Lower House of Assembly, requiring their At-
 tendance on that House. That thereupon the said Leeds, told
 the said Newcomb, that He the s^d Leeds was summon'd likewise to
 Attend: That He beleived it was all owing to that Son of a Bitch
 M^r Nicholas Goldsborough, who the said Newcomb declared was one
 of the Members of the Lower House of Assembly. That He thought
 as a Magistrate in any misdemeanour in his Office, he was only
 punishable by the Government and not by this House. That the said
 Newcomb further declared, that the said Leeds told Him that he did
 not know, what power the Lower House had to call him before
 Them: For his part He did not think they had any more Authority
 to call him before Them, than his Horse, and were it not that the
 People would say if He did not attend, and that he did not value
 One button or Fart what the Lower House could do to Him. The
 truth of the Facts appearing to this House, the said John Leeds was
 further continued in the Custody of the Serjeant at Arms.

The Door-keeper acquainted M^r Speaker the Clerk of the Council
 told him to acquaint M^r Speaker he had a Message from the Upper
 House.

Whereupon the Clerk was ordered to deliver the following L. H. J.
Lib. No. 45
Answer

May 19th 1738

S^r

I am ordered to acquaint you that the Honourable Lower House of Assembly will not receive any Message from the Honourable Upper House of Assembly by you as Clerk, Untill a Message is returned by One or more Members thereof in answer to the Message sent up to that Honourable House yesterday by Col Hooper and M^r Courts by which the future Method of sending Messages by the Clerks of either House may be adjusted between the two Houses

Signed p Order. M Macnemara Cl. Lo. Ho.

To M^r John Ross Clerk of the Upper House of Assembly.

The Clerk acquainted M^r Speaker He told the Clerk of the Upper House He had a Message to deliver from the Lower House, that the Clerk of the Upper House acquainted him He had Orders to receive no Messages. The Clerk of the Lower house thereupon told the Clerk of the upper house he had orders to read it to him that he might acquaint the upper house with the Contents of the Message and began to read, the Clerk of the upper house returned without hearing it.

The house adjourns

Saturday Morning May the 20th 1738

May 20

The House met according to adjournment

M^r Dulany M^r Hammond and Doctor Carroll were ordered to prepare an Address to his Exc^y the Governour relating to the Complaint against the Justices of Talbot County.

An ingrossed Bill entituled an Act for the Speedy and effectual publication of the Laws of this Province and for the encouragement of Jonas Green of the City of Annapolis, Printer, read and assented to, and sent to the Upper House by Major Sprigg & Col Colvill

The Justices of Talbot County being called before the House, M^r Speaker acquainted them that you have been called before this House, that you might have had the Opportunity of acquitting yourselves from a Charge of having misdeameaned yourselves in your Office as magistrates. Five of you have been charged with denying your Jury of inquest the common Usage or Method by which p. 773
They could possibly make the Enquiries they are sworn to, a thing unprecedented in this Province, and of the worst Consequence to all the good people thereof, which thing you have confessed to be true.

You have also acknowledged that you have obliged the Unhappy People of your Country who have been called to answer for some

L. H. J. Lib. No. 45 Misdemeanours to recognize in large Sums for the Fees of your Officers at a Time when there was no legal regulation. Which practice is unknown to our Mother Country there, if such an Officer take bonds for Fees tis extortion in Him, tis much more so, where it is attended with an Encrease or expence, These crimes were they committed maliciously or corruptly, ought certainly to be punished in the severest manner by the Courts below But as this House hope you did these things only because you were not better advised, and that you will for the future act more circumspectly; this House think fit for the present only to admonish you, ever to remember that lenient Maxim, That the highest Justice may be the greatest Injustice, ever in Judgment, remember Mercy, the unbiassed and impartial Administration of Justice will not only redound to the Honour of the Government and peace and Tranquility of the People, but to the Glory of God. With this Admonition and caution, that in case you persist in the aforesaid evil practices, you may depend on no indulgence from this House, and on five of you, Viz. M^r Thomas Bozman, Risden Bozman, John Leeds, Anthony Richardson and John Robins, paying the sum of thirteen pounds Seventeen Shillings (that sum being due to the several Officers of this House and Evidences whose Attendance you have occasioned) you are all dismiss'd, except M^r John Leeds who is yet to remain in Custody of the Serjeant.

Cot King and M^r Denton ordered to tax the several fees due to the several Officers of this House.

They afterwards delivered the following taxation Viz.

In pursuance of the Order of the Lower House of Assembly to settle sundry Fees arising due to the Officers of that House (and sundry Evidences for Attendance) on a complaint made there against the Justices of Talbot County Court. We the Subscribers have proceeded to tax the same in the manner following.

To the Clerk of the Lower House

| | £ | s. | d. |
|---|---------|-----|----|
| For Summonses for 8 Justices at 3/p | 1.. | 4.. | 0 |
| For D ^o for 4 Evidences at 3/p | 0..12.. | | 0 |
| | <hr/> | | |
| | 1..16.. | | 0 |

To the Serjeant

| | | | |
|---------------------------------------|-------|-----|---|
| For Summoning 8 Justices at 5/p | 2.. | 0.. | 0 |
| For D ^o 4 Evidences at 5/p | 1.. | 0.. | 0 |
| | <hr/> | | |
| | 3.. | 0.. | 0 |

For the Evidences

| | | |
|--|-----------|------------|
| To Mr John Edmundson for 2 days attendance at 7/6 p | 0..15.. 0 | |
| For 4 days in coming and going @ 5/ | 1.. 0.. 0 | |
| For hire of two hands & provisions for Six days at | 1..10.. 0 | |
| 2/6 p day e ^a hand | | 3.. 5.. 0 |
| To Mr Nich ^s Goldsborough for the Same Articles as above except the hands | | 1..15.. 0 |
| To Mr Thomas Steward for 2 days Attendance in Town at 7/6 p | 0..15.. 0 | |
| For 4 days coming and going at 5/ | 1.. 0.. 0 | |
| For Ferridge at the Narrows | 0.. 1.. 0 | |
| For D ^o in crossing the Bay | 0.. 9.. 0 | |
| For pasturage for his horse | 0.. 1.. 0 | 2.. 6.. 0 |
| To Mr William Edwards, for 2 days attendance in Town at 7/6 | | 0..15.. 0 |
| For 4 days coming and going at 5/ | 1.. 0.. 0 | 1..15.. 0 |
| | | 13..17.. 0 |

And we further certifie that it appears to us upon Examination that Mr Thomas Bozman, Risdén Bozman John Leeds Auth^o Richardson and John Robins were the only acting Magistrates In the matter complained of as to the refusing to send Evidences to the Grand Jury when required and that the same Magistrates together with M^{rs} Perry Benson and William Thomas were acting Magistrates at the time of taking Recognizances for payment of the Several Officers Fees complained of. All which we submit to the Consideration of the house

May 20th 1738

R. King
Vachel Denton

The House adjourns until 3 of the Clock in the afternoon

Post Meridiem. The House met according to adjournment

Mr Wootton delivers Mr Speaker the following Report.

By the Committee appointed to enquire into the facts contained in the Petition of Benjamin Howard of Ann Arundell County May 20th 1738

Your Committee upon enquiry into the said Facts, find that the Right Hon^{ble} Charles Absolute Lord and Proprietary of the Province of Maryland &c^a by his Letters Pattent under the Great Seal

L. H. J. of this Province bearing the date the 18th Day of Feb^{ry} in the Year
 Lib. No. 45 of Our Lord One Thousand six hundred Eighty and Eight did Grant
 unto Leonard Wayman of Ann Arundell County in Fee a Tract of
 Land called Ovenwood Thicket scituated in Ann Arundell County in
 the Fork of Patuxent River containing Two hundred Acres under the
 Yearly rent of eight Shillings Sterl And the said Tract of Land
 after the Death of the said Leonard Wayman descended to Edmund
 Wayman Eldest son and Heir of the said Leonard as we are in-
 formed by the affirmation of Richard Snowden of Ann Arundell
 County, And the said Edmund so thereof seized being, did by his
 Deed of Bargain and Sale in due Form of Law executed and enrolled
 bearing date the Ninth Day of March One Thousand Seven Hundred
 Thirty and Seven convey the same unto Thomas Rutland of Ann
 Arundell County in Fee, and the said Thomas Rutland so thereof
 seized being, afterwards by his Deed bearing date the fourth Day
 of May One Thousand Seven Hundred Thirty and Eight duly exe-
 cuted and enrolled did convey the same to Benjamin Howard the
 Petitioner and to his Heirs and Assigns for ever, and Your Com-
 mittee further find that the Right Hon^{ble} the Lord Prop^{ty} that now
 is, by his Letters Pattent bearing date the tenth Day of June Seven-
 teen Hundred Thirty and Four Did grant unto John Fowler in Fee
 a Tract of land called Fowlers Range scituated in Ann Arundell
 County in the Fork of Patuxent River afs^d adjoining to the said
 Tract of land called Ovenwood Thicket, containing One hundred
 Thirty and Three Acres at the rent of four shillings p hundred
 acres, Twenty eight acres of which and also two acres of Land part
 of a Tract of Land called Waymans Marsh adjoining to the said
 Tract called Ovenwood Thicket, the said John Fowler & Mary his
 then wife by their Deed of Bargain and Sale in due form of Law
 executed and enrolled bearing date the fourth Day of May in the
 year of Our Lord Seventeen Hundred Thirty and Eight did convey
 unto the Petitioner Benjamin Howard in Fee by the name of
 Howards Addition.

Your Committee further find by the affirmation of the said Rich-
 ard Snowden of Ann Arundell County that the said Tract of Land
 called Ovenwood Thickett containing two hundred acres and also
 Thirty acres of Land now called Howards Addition being part of the
 other Tract above mentioned called Fowlers Range are of more
 Value by Twenty or Thirty pounds Sterl than the Tract of Land
 called Roper's Neck, the said Tracts of land called Ovenwood
 Thicket and Howards Addition being level, good and well tim-
 bered, very convenient for business, a Plantation cleared; one
 dwelling house and Quarter, and one new Tobacco House, and
 a Young Orchard of about two hundred Apple-trees thereon, and the
 Tract of Land called Roper's Neck is most part of it cleared; has no
 board Timber and very little fencing Timber: the greatest part of
 the Wood thereon being young pines and Eivee on the Hill sides.

All which is submitted to the Consideration of your Honourable L. H. J.
House Lib. No. 45

| | |
|-----------------------|----------------|
| Robert Jenckins Henry | Samuel Smith |
| Henry Trippe | Turner Wootton |

Leave given to the Petitioner to bring in a Bill according to Prayer

The House adjourns untill Monday morning at 9 of the Clock.

Monday May 22^d 1738

May 22

The House met according to adjournment, all present, except M^r Mackall

M^r Benjamin Mackal hath leave of the House to go home. Resolved that M^r John Leeds hath been guilty of great Misdemeanour in insulting the dignity of this House by Several reviling Speeches.

Resolved further that the said John Leeds be called before the House and that M^r Speaker deliver to him the following Charge from the Chair.

M^r John Leeds was called to the Bar, M^r Speaker delivered to him this Charge

You have been charged here with having said that you know not by what Authority this House called you before Them. That you thought as a Magistrate You were for any Misdemeanour in your Office only answerable to the Government, and not to this House: And that you valued not a button or fart what this House could do to you, and were it not, you thought people wou'd think you were fearful of appearing here, you would not attend Them on their Summons; and that you further said, this House had no more Authority to call you before Them than your horse had; also that you have grosly abused M^r Nicholas Goldsborough a member of this House by calling Him a Son of a bitch, and Saying 'twas by his means you were called here. Which matters have been fully proved against you.

And Forasmuch as this house ordered you amongst other Magistrates of Talbot County to pay your proportionable part of certain Fees that have accrued on an Accusation made here against you and Them, and that you have refused the payment of your part thereof.

This House therefore have ordered that the Sheriff of Ann Arundell County receive you into his Custody from the Serjeant at Arms attending this House, in whose custody you are at present, and that you remain in that Sherifs custody until you make a proper Submission to this House, and in particular to M^r Nicholas Goldsborough for your Contempt aforesaid, and also until you pay your proportionable part of the Fees aforesaid.

L.H.J.
Lib. No. 45 The said John Leeds desired time of the House to excuse him self, whereupon He was further continued in the Custody of the Serjeant at Arms.

The House adjourned untill 3 of the Clock in the afternoon

Post Meridiem. The House met according to adjournment.

On reading the Report from the Committee of Aggrievances relating to the Officers fees the House concurs therewith.

The House adjourns untill to morrow morning at 9 of the Clock.

May 23

Tuesday Morning May the 23^d 1738

p. 776 The House met according to Adjournment, all present as yesterday.

M^r Dulany hath leave of the House to be absent this day

On motion, leave given to bring in a Bill for the limitation of Officers Fees.

Capt. Gordon a member returned to serve for the City of Annapolis appeared in the House this day. M^r Samuel Smith and M^r Edward Lloyd sent to the Upper House to see him qualified, they return and acquaint M^r Speaker they saw him qualified by taking the several Oaths to the Government required by Law, and by signing the said Oaths and by repeating and signing the Test.

M^r John Leeds being called to the Bar of this House, the Clerk was ordered to give Him the following Submission in writing.

I acknowledge my Error in relation to the Authority of your Honourable House. I sincerely ask pardon for the indecent language and ill manners used by me, in contempt of the honour and dignity of the Representative Body of his Majesty's Leige Subjects the People of Maryland in General Assembly convened, and hope the same will be attributed to my want of judgment, rather than Malitious intention.

I ask pardon of M^r Nicholas Goldsborough, one of the Members of your Honourable House, for the ill manners used by me towards Him, and hope He will pardon me for the same.

Which He after reading, was ordered by the House to make, The said John Leeds entirely refused. He was ordered to withdraw in Custody of the Serjeant.

Ordered that the Clerk of this House make out an Order directed to the Sheriff of Ann Arundell County and Keeper of the Publick Goal in the City of Annapolis for the Province of Maryland, commanding him to receive the body of John Leeds now in Custody of the Serjeant at Arms attending the Lower House of Assembly, and

him safe keep in close confinement for his contemptuous Language and indecent behaviour to the Lower House of Assembly in general, and to one of the Honourable Members thereof in particular, untill he shall make a Submission agreeable to this House. L. H. J.
Lib. No. 45

An order was made out and delivered into the hands of the Serjeant at Arms.

The Report concerning the Justices of Dorchester County relating to the refusing an Imparlance being read, the Justices ordered to attend the House; The Justices attended accordingly. The Report was again read to Them, and on Examination it appears to this House, the said Justices have acted contrary to Law in refusing the Imparlance required.

Resolved that the Governor be addressed on this Occasion.

M^r Walter Smith from the Committee for Inspecting the Arms and Ammunition and Accounts relating thereto Delivers M^r Speaker the following Report.

By the Committee for inspecting the Arms and Ammunition and Accounts relating thereto 23^d May 1738. p. 777

Your Committee having viewed and inspected the quality and quantity of the Arms and Ammunition of this Province now in the City of Annapolis do find the same as follows (ss^t)

In the Powder House

Fifty Seven half Barrels and four Quarter Barrels of Powder

In the Room over the Conference Chamber

Ninety Two old Musketts

Nine old Carabines

Forty new short Muskets and Forty Eight Belts to them.

Forty one Bayonets and a Quarter of a Barrell of Gunpowder.

We find the arms aforesaid are all cleaned and that the old Arms. Ammunition and Accountments in the said Room are in quality and Quantity as last year. That the Arms in the Council Chamber likewise remain fixt as they were and are Generally cleaned and in good order.

Signed p Order John Gibson Clk Com.

The House adjourned untill 2 of the clock in the afternoon

The Governour by his Proclamation Prorogued this Assembly to the second Tuesday in July next.

Thus Endeth this Meeting in Assembly this Twenty Third day of May in the Eleventh Year of his Majesty's Reign and in the Twenty fourth of his Lordships dominion Annoq Domini 1738.

Test

M Macnemara Cl. lo. Ho.

PROCEEDINGS
OF THE
GENERAL ASSEMBLY
OF THE
PROVINCE OF MARYLAND

*At a Session held at Annapolis May 1-June 12, 1739.
Being a Convention of the Assmbly Elected in 1739.*

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

SAMUEL OGLE,
Govenor.

PROCEEDINGS
THE UPPER HOUSE OF ASSEMBLY

At a Convention of Assembly begun and held at the City of Annapolis on Tuesday the first Day of May in the twenty fifth year of his Lordships Dominion Annoq Domini 1739

Present

His Excellency Samuel Ogle Esq^r Governor

The { Benjamin Tasker Esq^r } Edmund Jenings Esq^r
honourable { George Plater Esq^r } Col Charles Hammond

Mess^{rs} Hanson and Denton from the Lower House acquaint his Excellency that there is a sufficient Number of Members met to make a House and wait his Excellencys Commands

Edmund Jenings Esq^r & Col Charles Hammond are sent down to the Lower House to administer the several Oaths to the Government appointed to be taken by Act of Assembly of this Province to the several Members of that house and ordered that the Clerk of this House attend them, who administred the said Oaths to the several Members then present, and they all subscribed the Oath of Abjuration and Test.

Benjamin Tasker and George Plater Esq^{rs} are sent to acquaint the Lower House that his Excellency requires their Attendance in the Upper House immediately.

U. H. J.
May 1
Calvert
Paper
No. 734
p. 1
[A contempor-
orary copy
is found in
U. H. J.
Liber No.
33.] The
Assembly
had been
prorogued
from July to
October,
1738 (28
Archives
140) and on
October 1
proclama-
tion was
issued to
further pro-
rogue it to
May 20.
On October
20 procla-
mation was
issued to
dissolve it

U. H. J. The Lower House attend and His Excellency orders them to
 No. 734 return to their House and make Choice of a Speaker

and summon Mess^{rs} Smith and Hanson from the Lower House acquaint his
 a new one Excellency their House hath made Choice of a Speaker
 for Decem- Col^d Hammond is sent to the Lower House to inform them his
 ber 8 (28 Excellency requires their Attendance in the Upper House to pre-
 Archives sent their Speaker for his Approbation.
 143.) The The whole House attend and present John Mackall Esq^r as their
 Council met Speaker, with which Choice his Excellency declares himself well
 on May 4, pleased, whereupon his Excellency makes the following Speech.
 18, 25, June
 3 and 11.

Gentlemen of the Upper and Lower Houses of Assembly

p. 2 I presume none of you can be ignorant of the necessity I was under
 of dissolving the last Assembly; The Misunderstanding betwixt, the
 Two Houses, having not only put an entire Stop to all Business, but
 even to the least Intercourse of Messages the only Means of accom-
 modating the Affair without the Interposition of the Government

The ill Effects of Heats and Animositities between the several
 Parts of the Legislature, have been so plainly manifested on this
 Occasion, that I flatter myself We are now met together with a full
 Resolution to avoid them as much as possible

For my own Part I can very truly assure You, that no Man is come
 to this Assembly more sincerely desirous of the Welfare of the
 Province than myself, or more willing to give a helping Hand to the
 Removal of every Obstacle to its Happiness and Prosperity:

But then it must be allowed, that Temper and Moderation will be
 always necessary, to consider rightly of such things as may come
 before us, the wisest Assemblies being lyable to be misled by the too
 great Warmth even of honest and well meaning Men, as well as by the
 artful Practices of such as know how to cover their own private and
 self interested Views with the Specious Appearance of Zeal for the
 Publick Good

It is well konwn what Pains I took sometime ago to continue the
 Bill for the Payment of his Lordships Rents and Alienation fines
 by a Duty on Tobacco, as likewise to make Our Paper Money pass
 in Payment of the 40 p Poll, and Officers fees at the Rate of Ten
 Shillings p hundred, and with what Warmth and Zeal these Points
 were opposed by many Gentlemen, who then thought they were doing
 their Country great Service.

At present I believe few are so partial as not to acknowledge that
 the Government was then acting for the General Benefit and Ad-
 vantage of the People, whose Interest was greatly mistaken by their
 own Representatives, which I am perswaded could not have hap-
 pened, had that serious and impartial Deliberation been made Use of,
 which I am now recommending

How inclinable the Clergy may be to come into a new Agreement I cannot take upon me to say, but Publick Good will no doubt be a very Strong Motive with them, as I am confident it will always be with the Officers to joyn with them whenever an Occasion offers: The many Advantages that would accrue to the Country by so great an Addition to the Uses of Our Paper Money seem to me so very evident, that I cannot help recommending to you, to take this Affair once more into Consideration, and to try if such a Reasonable Medium may not be agreed on as shall be to the Satisfaction of all Parties which I hope will not prove so difficult a matter as it may at first sight appear to be, if We set about it with that Attention and Candour, which an Affair of so much Importance to the Country requires

U. H. J.
No. 734

p. 3

If after all Our Endeavours a General Law should be found at present impracticable, the particular Circumstances of Our Back Inhabitants will naturally offer themselves to Your Consideration; the permitting them to pay their Dues in Paper Money will not only free them from the Necessity they now lye under of making Tobacco, and leave them at Liberty to go up on other Commodities more useful to the Country as well as themselves, but be a Step towards a General Law, which may possibly be brought about by Degrees, as People perceive the Value and the fulness of Our money increase, with the Enlargement of its Currency

Gentlemen

You are all too well acquainted with the Temporary Laws that are to expire with this Session of Assembly, to make it necessary for me to mention them in particular; however the Duty of my Station does not permit me to pass over in silence That for raising the three Pence p hogshead for purchasing Arms and Ammunition; That Law is so absolutely necessary for the Defence and Safety of the Province, that I think myself obliged to recommend it to you in the most earnest Manner; and I cannot but perswade myself that my Recommendation will have the more Weight, as you must see by the Accounts, which I shall order to be laid before you, that they are so very clear, as not to leave the least Room to the most malicious Enemies of the Government to make any fair and open Objection to them, whatever they may attempt by private Whispers and Insinuations

Mrs. Denton and Lloyd from the Lower House acquaint his Excell^y that their House hath made Choice of M^r Michael Macnemara for their Clerk and hopes for his Excellencys Approbation to whom his Excellency is pleased to declare that he doth approve of M^r Michael Macnemara to be Clerk of the Lower House.

Mess^{rs} Denton and Lloyd from the Lower House attend with M^r Michael Macnemara Clerk of the said House in Order to see him

p. 4

U. H. J. qualified who takes the Oaths to the Government appointed to be
 No. 734 taken by Act of Assembly and subscribes the Abjuration and Test
 according to the Directions of the said Act and also takes the usual
 Oath of Office and then withdrew

Adjourned till to Morrow Morning Nine of the Clock

May 2

Wednesday Morning 2^d May 1739

This house met again according to Adjournment

Present as Yesterday

Mess^{rs} Denton and Gassaway from the Lower House attend with
 Daniel Dulany Esq^r one of the Members elected for Ann Arundel
 County and with Robert Gordon Esq^r one of the Members elected for
 the City of Annapolis in Order to see them qualified who take the
 Oaths to the Government appointed to be taken by Act of Assembly
 and severally subscribe the Abjuration and Test & then withdrew

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This house met again according to Adjournment

Present as in the Morning with the Addition of Philip Lee Esq^r

Adjourned till to Morrow Morning nine of the Clock

May 3

Thursday Morning 3^d May 1739

This House met again according to Adjournment

Present as yesterday with the Addition of James Hollyday Esq^r

Mess^{rs} Hynson & Wootton attend with M^r George and M^r Colville
 two of the Members elected for Cecil County; with M^r Calder One
 of the Members elected for Kent County, and with M^r Clayton, M^r
 Wilkinson & M^r Pemberton, three of the Members elected for Queen
 Anns County in order to see them qualified, who take the Oaths to
 the Government appointed to be taken by Act of Assembly, and
 severally subscribe the Abjuration and Test & then withdrew.

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

p. 5 Mess^{rs} Lloyd and Harris from the Lower House attend with M^r
 Rob^t Lloyd One of the Members elected for Talbot County, with
 M^r Wright One of the Members elected for Queen Anns County,
 and with M^r Wilson One of the Members elected for Kent County in

Order to see them qualified, who take the Oaths to the Government U. H. J.
appointed to be taken by Act of Assembly and severally subscribe the No. 734
Abjuration and Test and then withdrew

Adjourned till to Morrow Morning Nine of the Clock

Friday Morning 4 May 1739

May 4

This House met again according to Adjournment

Present as Yesterday

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Benjamin Tasker Esq^r attended by the Members of this House
presents his Excellency the Governor the Address of this House
which follows in these Words.

To His Excellency Samuel Ogle Esq^r Governor and Commander
in Chief in and over the Province of Maryland.

The humble Address of the Upper House of Assembly

May it please Your Excellency

We are very sensible of the Necessity Your Excellency was under
by the Misunderstanding betwixt this and the late Lower House of
dissolving the last Assembly; and We most sincerely wish, it had
been in Our Power, as much as it was in Our Inclinations and En-
deavours, to have prevented or removed, by any Method consistent
with the Dignity of this House, that Stop to Business which made
the Interposition of the Government so indispensable.

Your Excellency has been pleased to express so kindly your Desire
for the Welfare of this Province, and Your Willingness to promote
its happiness and Prosperity, by giving a helping Hand to the Re-
moval of Every Obstacle, that We beg Leave to make Our grateful
Acknowledgment of Thanks, and assure Your Excellency that We
are sufficiently convinced by the late and other Occasions of the ill
Effects of Heats and Animositities between the several Parts of the
Legislature

The Inhabitants of this Province have met with so many disap- p. 6
pointments in their Expectations of real Good and Benefit from
the Meeting of Assemblys for Want of the Temper and Moderation
you are pleased to recommend; that We are fully resolved carefully
to avoid, as much as possible, every Occasion or Step that may

U. H. J. interrupt or divert Us from the Care and Earnestness We ought
No. 734 to have by the Duty of Our Stations, without any private Views,
for the Publick Welfare and Prosperity

Notwithstanding the ill Success of the Generous Pains which your Excellency formerly took for the Benefit and Advantage of the People, in your Endeavours to continue the Bill for the Payment of his Lordships Rents & Alienation fines by a Duty on Tobacco, and for enlarging the Currency and Circulation of Our Paper Money by the Payment of Officers fees and the 40 p Poll therewith; yet Your Excell^{ys} recommending this Affair of Our Currency once more to Our Consideration will engage that Attention and Candour from Us, which a Matter of so great Importance to the Country requires; Nor can We despair of a reasonable Medium being fixt to the Satisfaction of all Parties, since We are perswaded every Officer will most chearfully joyn with the Clergy towards procuring the many Advantages that would accrue to the Country by so great an Addition to the Uses of Our Paper Money; And although Our present Endeavours should not have the desired Effect by a General Law, the next best Step must certainly be, to put Our Back Inhabitants in such a Situation, as may not only free them from the Necessity of making Tobacco, and leave them at Liberty to be industrious in other Commodities more useful to the Country as well as themselves, but also may be a means to prove more plainly and effectually the Expediency of a General Act

Signed p Order Benj^a Tasker

Adjourned till to Morrow Morning 9 a Clock

May 5

Saturday Morning 5 May 1739

This House met again according to Adjournment

Present as Yesterday

His Excellency is pleased to communicate his Answer to the Address of this House in the following Words

Gentlemen of the Upper House of Assembly

I return you my hearty Thanks for Your kind Address: Your
p. 7 Resolution to avoid as much as possible every Occasion of interrupt-
ing the Publick Business, and Readiness to proceed to the Consideration of such Points as are of real Importance to the Welfare and Prosperity of the Province, are such Instances of your true Regard for Your Country, as cannot fail of procuring you the Esteem of every sensible and impartial Man in it

Sam: Ogle

Mess^{rs} Henry and Gale attend with M^r King One of the Members elected for Somerset County in Order to see him qualified, who takes the Oaths to the Government appointed to be take by Act of Assembly and subscribes the Abjuration and Test and then withdrew

U. H. J.
No. 734

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned till Monday Morning Nine of the Clock.

Monday Morning 7 May 1739

May 7

This House met again according to Adjournment

Present

| | | | | |
|------------|---|------------------------|---|---------------------|
| The honble | { | Col. M. Tilghman Ward, | } | Edmund Jenings Esq. |
| | | Benjamin Tasker Esq. | | James Hollyday Esq. |
| | | George Plater Esq. | | |

Mrs. Lloyd and Brannock from the Lower House attend with Mr Hooper, Mr Trippe, and M^r Ennals three of the Members elected for Dorchester County, and with Mr. Goldsborough One of the Members elected for Talbot County in order to see them qualified, who take the Oaths to the Government appointed to be taken by Act of Assembly, and severally subscribe the Abjuration and Test and then withdrew

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned till to Morrow Morning Nine of the Clock

Tuesday Morning 8 May 1739

May 8

This House met again according to Adjournment

p. 8

Present as Yesterday with the Addition of Co^t Hammond

A Bill from the Lower House by M^{rs} King and Sprigg Entituled An Act reviving and continuing an Act of Assembly of this Province Entituled an Act for the speedy Recovery of Small Debts out of Court before a single Justice of the Peace thus Endorsed

By the Lower House of Assembly 7 May 1739

Read the first time and ordered to lye on the table

Signed p Order M. Macnemara Cl. Lo H.

U. H. J.
No. 734

By the Lower House of Assembly 8 May 1739

Read the second time and will pass

Signed p Order M. Macnemara Cl. Lo H.

Read the first time in this house and ordered to lye on the Table
Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning with the Addition of Philip Lee Esq^r

A Message from the Lower House by M^{rs} Trippe and Caswall

By the Lower House of Assembly 8 May 1739

May it please Your Honours

This House hath appointed M^r Moale M^r Trippe Col^o Colvile
M^r Edward Lloyd & Captⁿ Caswall Members of this House to joyn
any Members appointed by Your House as a Committee to inspect
the Accounts and Proceedings of the Commissioners or Trustees
for emitting Bills of Credit established by Act of Assembly

Signed p Order M Macnemara Cl Lo H.

Read the Petition of Abraham Wood of S^t Marys County seting
forth that he has invented a Method of building a Mill which will
grind any Manner of Grain, without the Assistance of Wind Water
or Horses, & praying that an Act may pass giving him or his As-
signes the sole Power of building such Mills for the space of twenty
One Years; Recommended to the Consideration of the Lower House
and sent by Co^t Hammond

Adjourned till to Morrow Morning Nine of the Clock

May 9

Wednesday Morning 9 May 1739

This House met again according to Adjournment

Present as Yesterday

p. 9 A Bill from the Lower House by M^{rs} Goldsborough and Hall
Entituled An Act to continue an Act of Assembly of this Province
Entituled a Supplementary Act to the Act Entituled an Act for
Emitting and making Current Ninety thousand pounds Current
Money of Maryland in Bills of Credit, and to restrain some evil
Practices of Sheriffs under Colour of the said Act committed thus
Endorsed

By the Lower House of Assembly 7 May 1739

Read the first time and ordered to lye on the Table.

Signed p Order M Macnemara Cl Lo H.

By the Lower House of Assembly 9 May 1739

U. H. J.
No. 734

Read the second time and will pass

Signed p Order M Macnemara Ct Lo H.

Read the first time in this House and Ordered to lye on the Table

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned till to Morrow Morning Nine of the Clock

Thursday Morning 10 May 1739

May 10

This House met again according to Adjournment

Present as Yesterday

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

A Bill from the Lower House by M^{rs} Henry and Thomas Entituled An Act for Encouragement of Abraham Wood of St Marys County to build Mills thus Endorsed

By the Lower House of Assembly 10 May 1739

Read the first and second time by Especial Order and will pass

Signed p Order M Macnemara Ct Lo H.

Read the first time in this House & Ordered to lye on the Table

A Bill from the Lower House by M^{rs} Hooper and Sprigg Entituled An Act to continue an Act of Assembly of this Province Entituled An Act for the better Relief of poor Debtors thus Endorsed

By the Lower House of Assembly 8 May 1739

p. 10

Read the first time and Ordered to lye on the Table

Signed p Order M Macnemara Ct Lo H.

By the Lower House of Assembly 10 May 1739

Read the second time and will pass

Signed p Order M Macnemara Ct Lo H.

U. H. J. Read the first time in this House and Ordered to lye on the Table
No. 734

Read the Petition of Charles and Clement Sewall Executors of the last Will and Testament of Nicholas Sewall late of S^t Marys County Esq^r deceased praying Leave to bring in a Bill whereby they may be allowed a Compensation for a Tract of Land called Darby lying on Choptank River containing 3000 Acres taken away from their Testator by Act of Assembly Anno 1669 in favour of the Indians, and which said Land is still possessed by the said Indians; Referred to the Consideration of the Lower House of Assembly

Read the Petition of the Reverend Mr John Lang Rector of S^t James Parish in Ann Arundell County praying a Bill be brought in to enable him to lease the Lands, bequeathed by James Rigby and Nicholas Terrell to the Minister of the said Parish for the time being, for three Lives or twenty One Years reserving an Annual Rent payable to the Minister of the said Parish Referred to the Consideration of the Lower House of Assembly

Read the Petition of sundry the Inhabitants of Calvert County praying a Bill may be brought in empowering them to agree with Workmen to brick the Under Works and new Shingle the Court-house of the said County, Referred to the Consideration of the Lower House of Assembly; the aforegoing Petitions are sent to the Lower House by James Hollyday Esq^r

A Bill from the Lower House by M^{rs} Hanson and Courts Entituled An Act for continuing an Act of Assembly of this Province Entituled An Act ascertaining the Gauge and Tare of Tobacco hh^{ds} and to prevent cuting cropping and defacing Tob^o taken on board Ships or Vessels upon Freight thus Endorsed

By the Lower House of Assembly 8 May 1739

Read the first time & Ordered to lye on the Table

Signed p Order M Macnemara C^t Lo H.

By the Lower House of Assembly 10 May 1739

Read the second time and will pass

Signed p Order M Macnemara C^t Lo H.

Read the first time in this house & Ordered to lye on the Table.

p. 11 Read the second time the Bill Entituled an Act reviving and continuing an Act of Assembly of this Province Entituled An Act for the speedy Recovery of small debts out of Court before a single Justice of the Peace, and passed with the following Amendm^{ts} Viz. in the last Line instead of the Words from the End of this Session of Assembly, put, next ensuing and to the End of the next Session of Assembly that shall happen after the End of the said three years; sent by George Plater Esq^r

Adjourned till to Morrow Morning Nine of the Clock

Friday Morning 11 May 1739

This House met again according to Adjournment

U. H. J.
No. 734
May 11

Present as yesterday

Read the Petition of several the Inhabitants of the back Parts of Prince Georges County praying that a new County may be erected in those parts within such Limits as shall be thought proper, Recommended to the Consideration of the Lower House of Assembly

Read the Petition of several the Inhabitants of the back Parts of Prince Georges County seting forth the many hardships they labour under by paying their Publick Dues in Tobacco, and praying their Case May be taken into Consideration and recommended to the Lower House of Assembly, the above Petitions sent by Benjamin Tasker Esq^r

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Read the Petition of James Edge and Robert Morris Factors of Foster Cunliffe and Richard Gildart Merchants in Great Britain, and Referred to the Consideration of the Lower House of Assembly & sent by Edmund Jenings Esq^r

Read the second time the Bill Entituled an Act for the Encouragement of Abraham Wood of S^t Mary's County to build Mills, & passed & sent by Col Hammond

Adjourned till to Morrow Morning nine of the Clock

Saturday Morning 12 May 1739

This House met again according to Adjournment

May 12

Present as Yesterday

Adjourned till Monday Morning Nine of the Clock

Monday Morning 14 May 1739

This House met again according to Adjournment

May 14
p. 12

Present as on Saturday

Read the Petition of Richard Young of Calvert County Gentⁿ praying Relief from a Judgment rendered at Ann Arundel County Assizes 1737 against a certain Negro Man named Preston belonging to the Petitioner for attempting to poyson a Certain Ezekiel Gillis and his Wife, for which he was adjudged to be whipped Once a

U. H. J. Week for Six Weeks and to be imprisoned for One Year & a Day,
No. 734 and afterwards committed until sufficient Security should be given in the sum of 1000 £ for his good Behaviour during Life or stay in this Province Rejected.

Read the Petition of the Vestry and sundry Inhabitants of Queen Anns Parish in Prince Georges County praying that a Bill may be brought in to levy 100 £ upon the taxable Persons of the said Parish to enable them to new Ground-ciel & repair the Chappel given by the Reverend M^r Jacob Henderson for the Use of the said Parish, and that the said Chappel may be hereafter deemed a Chappel belonging to the said Parish, Referred to the Consideration of the Lower House of Assembly and sent by James Hollyday Esq^r

Read the Petition of Benjamin Howard of Ann Arundel County praying Leave to bring in a Bill to cut off the Entail of a Tract of Land called Ropers Neck containing 230 Acres and to settle a Tract of Land called Owenwood Thickett containing 200 Acres and Part of a Tract called Fowlers Range con^t 30 Acres in Lieu thereof Referred to the Consideration of the Lower Ho. of Assembly

Read the Petition of Joseph Williams & Richard Snowden praying that a Bill may be brought in to vest an Estate of Inheritance of fee simple of 200 Acres of Land part of a Tract of Land called Williams Range in Richard Snowden and his Heirs and in Lieu thereof that the said Joseph Williams may be invested with an Estate of Inheritance in Fee tail General to him and the heirs of his Body lawfully begotten of & in 133 Acres called Snowdens Search, 67 Acres part of Snowdens Reputation supported & 100 Acres part of a Tract of Land called Plumbton of which said Lands the said Richard Snowden is seized of an Estate of Inheritance in fee simple, and which Lands are of greater Value than the af^d 200 Acres, Referred to the Consideration of the Lower House of Assembly the two last Petitions sent by George Plater Esq^r

Adjourned till two of the Clock in the Afternoon

p. 13

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Read the Petition of several Inhabitants at and about Monocasy Creek and also the Petition of several the Inhabitants at and about the blue Ridge als Chanandore Mountain, and also the Petition of several Inhabitants about Monocasy above the Mountains on Patowmeck River, and likewise the Petition of several Inhabitants on the West side of Patowmeck River on the back Parts of Virginia praying that a good Waggon Road might be made at the Publick Charge from the several Places aforementioned to the City of Annapolis; Recommended to the Consideration of the Lower House of Assembly & sent by Philip Lee Esq^r

A Bill from the Lower House by M^{rs} Henry and Gale Entituled *U. H. J.*
An Act for the Benefit of the Poor and Encouragement of Industry *No. 734*
thus Endorsed

By the Lower House of Assembly 10 May 1739
Read the first time and Ordered to lye on the Table
Signed p Order M Macnemara Ct Lo H.

By the Lower House of Assembly 14 May 1739
Read the second time and will pass
Signed p Order M Macnemara Ct Lo H.

Read the first time in this House & Ordered to lye on the Table
Read the second time the Bill Entituled An Act to continue an
Act of Assembly of this Province Entituled a Supplementary Act
to the Act Entituled An Act for emitting and making Current ninety
thousand Pounds Current money of Maryland in Bills of Credit
and to restrain some evil Practices of Sheriffs under Colour of the said
Act committed; passed with the following Amendments instead of
the Words, until the first day of October which shall be in the Year
of Our Lord 1742, put the Words, for and during the Term of three
Years next ensuing and unto the End of the next Session of Assem-
bly which shall happen after the End of the said three Years; sent
by James Hollyday Esq^r

Adjourned till to Morrow Morning nine a Clock

Tuesday Morning 15 May 1739

May 15

This House met again according to Adjournment
Present as yesterday with the Addition of Cot Gale.

Read the Petition of Thomas Spalding & Catherine his Wife *p. 14*
praying Leave to bring in a Bill to cut off the Entail of Part of a
Tract of Land lying in St Marys County called Coopers Purchase
containing 39 Acres and to settle a Tract of Land lying in the said
County containing 100 Acres called Crackburns Purchase to the
same Uses as the said Coopers Purchase is now subject to, Referred
to the Consideration of the Lower House of Assembly & sent by
Cot Gale

Read the Petition of the Rector Vestry & Church Wardens of
Christ Church Parish in St. Marys & Charles praying Leave to bring
in a Bill for levying on the Taxable Inhabitants of the said Parish
a sum not exceeding ^s 2:6 ^d p Poll p Ann till the sum of 500 £ be
raised to provide Ornaments for the said Church and to wall in a
Church Yard and build a Vestry House; Referred to the Con-

U. H. J. eration of the Lower House of Assembly & sent by Edmund Jenings
No. 734 Esq^r

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Benjamin Tasker, Philip Lee George Plater, James Hollyday and Levin Gale Esq^{rs} Members of this House having communicated Letters directed to them severally as Naval Officers signed by Stephen Bordley Clerk of the Committee of Aggrievances and Courts of Justice desiring them to attend the said Committee at three of the Clock this Afternoon; It is the Unanimous Opinion of this House and do resolve accordingly, that it is inconsistent with the Dignity of this House to suffer any of their Members to attend the Lower House of Assembly much less any Committee of it upon any Occasion whatsoever without Leave from this House, and that the Members afore mentioned do not attend the said Committee

Adjourned till to Morrow Morning Nine of the Clock

May 16

Wednesday Morning 16 May 1739

This House met again according to Adjournment

Present as Yesterday

Mess^{rs} Colville & Wilkinson from the Lower House attend with M^r Rumsey One of the Members elected for Cecil County in Order to see him qualified who takes the Oaths to the Government appointed to be taken by Act of Assembly, and subscribes the Abjuration and Test and then withdrew

p. 15 Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Read the Petition of sundry Persons interested in the Lots in Snow hill Town in Somerset County praying An Act may pass to have the aforesaid Town resurveyed agreeable to the former Act of Assembly for laying out the same, and that the Lots may be ascertained with Metes and Bounds as formerly, Referred to the Consideration of the Lower House of Assembly & Sent by George Plater Esq^r

Read the Petition of Henry Davis of Dorchester County praying An Act may pass for the making null and void a Deed of Bargain

and Sale of part of a tract of Land called Edmondsons Reserve containing 200 Acres made by the said Henry Davis to Henry Beckwith who sold the same to Peter Taylor for the Reasons therein mentioned; Rejected

U. H. J.
No. 734

The following Message is sent by Cof Hammond

By the Upper House of Assembly 16 May 1739

Gentlemen.

This House hath appointed Cof Levin Gale to joyn the Members named by your House in your Message of the 8th Instant by M^{rs} Trippe and Caswall to inspect the Accounts and Proceedings of the Commissioners of the Paper Currency

Signed p Order John Ross C^t Up Ho.

Adjourned till to Morrow Morning Nine of the Clock

Thursday Morning 17 May 1739

May 17

This House met again according to Adjournment

Present as Yesterday

Adjourned till two of the Clock in the Afternoon

Eodem Die post Merediem

This House met again according to Adjournment

Present as in the Morning

Three Engrossed Bills from the Lower House by M^{rs} Henry & Hall One Entituled An Act to continue an Act of Assembly of this Province Entituled An Act for the better Relief of poor Debtors; One Entituled An Act reviving & Continuing an Act of Assembly of this Province Entituled An Act for the Speedy Recovery of Small Debts out of Court before a single Justice of the Peace; and also An Act to continue an Act of Assembly of this Province Entituled a supplementary Act to the Act Entituled An Act for emitting and making Current ninety thousand Pounds Current Money of Maryland in Bills of Credit and to restrain some evil Practices of Sheriffs under Colour of the said Act committed severally thus subscribed

17 May 1739

Read and assented to by the Lower House of Assembly

Signed p Order M Macnemara C^t Lo Ho.

Cof Matthew Tilghman Ward attended by the Members of this House presents to his Excellency the Governor the following Address of this House.

U. H. J. To His Excellency Samuel Ogle Esq^r Governor & Commander
No. 734 in Chief in & over the Province of Maryland.

The humble Address of the Upper House of Assembly

May it please Your Excellency

We were in Great Hopes that by the Dissolution of the last Assembly the necessity of entering into and troubling Your Excellency with a Detail of the Occasion and Circumstances of the Misunderstanding between the two Houses of that Assembly would have ceased with the Being of the late Lower House; but the printed Address of the present Lower House to your Excellency and your Excellency and Your Answer to that Address leaving that Affair to our Consideration, call upon us to make publick the true Rise and Proceeding of that Difference and by a fair and candid State of the whole Transaction (as far as this House was acquaintd with it) to vindicate Ourselves from the Aspersions intended by the Address to be imputed to the Conduct of this House in that matter.

This House having in the Convention of the last Assembly sent one of its Members with a Message to the Lower House He returned and Acquainted this House that instead of being admitted as usual to deliver his Message He was desired to wait

This Treatment was so unsuitable to the Dignity of this House and so far from the mutual Decency and Respect which ought to be most Carefully Preserved by the two Houses towards Each other that we Could not suffer it without some Notice more Especially lest our silence on such Occasions might sometime or other not only draw on other Slights and Indignities but also be Urged as a Precedent for bearing or overlooking them therefore This House sent the following Message with several Paper Bills by their Clerk to be delivered to the Speaker as a Message from this House Viz. (See page 163.)

- p. 17 We humbly presume that Message and Messenger will most plainly manifest the sincere Desire and Intention This House then had to come to a right Understanding with the late Lower House on this Subject, and at the same time to Avoid as much as they Could in their Circumstances any Interruption to the publick Business or Offence to the Lower House; No disrespectful or Aggravating Term or Expression is made use of, but the reason of Altering Our Messenger expressed as Unexceptionably as could be conceived in Words: The Messenger sent to Communicate to the Lower House the Sense This House had of the Indignity, was the Only Person the Lower House Could with Reason and Justice expect, or this House Consistently with its Dignity send There are but three Sorts of Persons Viz. The members Clerk and Door Keeper Attendants and under the immediate Controul and Command of this House: And

however proper and usual it may be to send our Members as Messengers on other occasions of Differences or Affronts in Order to Prevent the like for the future yet when a Difference arises by an Affront offered to a Member on a Message to send another with a Message before some Satisfaction Given on that Head would expose such Member to the like Treatment, when and as it should please the Lower House since by such an Unworthy Condescension of the Upper House and the Business being still Continued and carried on through the same Channel the Lower House might never think themselves under any Pressing Necessity of clearing up what This House might Apprehend to be an Indignity

U. H. J.
No. 734

Had we employed our Door Keeper on that Occasion, The Lower House would have had some Reason to complain of a milder Medium not being used But as Our Clerk the next in Station to the members of this House, was sent We Conceive it will be as difficult to shew how a Milder Medium could have been used, As how This present Lower House now sitting by Virtue of Writts issued after the Dissolution of the last Assembly could have readily undeceived the Gentleman or the Honourable Board mentioned in their Address in relation to a Misunderstanding or Misapprehension that subsisted in the last Assembly if a Milder Medium had been then used

To this Message Sir, This House received in answer from the then Lower House the following Message viz. (See page 163.)

This Message is so very remarkable in many Particulars that We hope for your Excellencys Indulgence whilst we make some Observations on it The first Paragraph begins with a Charge of Calling the Speaker out of the Chair by the Clerk of This House; We Confess the Clerk was sent with the Message & Bills already mentioned and with Orders to Acquaint the proper Officer attending at the Door of the then Lower House that "he had a Message from the Upper House to deliver to the Speaker" which Words we are Assured by the Clerk were very punctually made use of. But what Message such Officer carried to the Speaker, This House cannot pretend to say, Neither shall we presume to Judge whether by the Rules of the Lower House The Speaker is allowed to go out of the House to receive any Messages whatever from this House: But we hope this House is clearly Justified from any Imputation on Account of The Speaker of the late Lower House being Called out of the Chair and House by our Clerk, and therefore this House Could not but be Greatly Surprised at that Demand of Immediate Reparation contained in the second Paragraph of that Message

p. 18

The late Lower House proceeds in the third Paragraph to speak of the Treatment this House had Complained to have received from them The manner of their Apology is so very Uncommon that it cannot be thought strange This House could not readily find in it proper Satisfaction for the Indignity Complained of; That House

p. 19

U. H. J. would not Condescend to own the Fact, nor be pleased to deny it,
 No. 734 nor even endeavour to satisfy this House, how or in what manner it happened But only declares their Intention of not treating This House or any member of it “ but with the greatest Decency and good manners And that if any thing had happened which seemed to have a different Appearance it was not designed ” This Compliance being founded upon a Supposition or Doubt not only whether the Fact Asserted by this House was true or false; but even whether there was any Want of Decency or Good Manners, if it was true, This House could not look on those Declarations of Decency and Good manners and want of Design either as a sufficient Apology or Vindication for the ill Treatment shewed to them For had the late Lower House thought fit to have only denied the Fact, This House could most fully have made it Appear But if the Fact had been owned True this House might reasonably have expected from the Late Lower House an Apology for what they must have Acknowledged had a different Appearance from Decency and Good manners and by that Means have freed this House from any Apprehension of the like Treatment for the future, Whereas on the Fact of that Message A Question is made not only whether the Fact was true, but also whether if true it had such a different Appearance, so that this House could not be Assured that the next Member would not have received the same Usage since the Lower House did not Acknowledge such Usage Contrary to Decency and good manners

The fourth Paragraph takes notice of “ Messages being intended to be sent by this House for the future by their Clerk, and the Lower House expressly declare that they should be very well Content with it and follow our Example in sending all their Messages by their Clerk.”

After this Possitive Assurance from the Lower House of their being very well Contented with Messages being sent by the Clerk of this House We could not but have a true Satisfaction and Pleasure in our Prospect of Carrying on the Publick Business and accordingly Prepared a civil and suitable Answer to the last Message and sent the Same by Our Clerk, was refused Admittance; Notwithstanding which This House still earnest and desirous to dispatch the publick Business was willing to impute this Unexpected Refusal of Receiving Messages by our Clerk to any Cause or Accident, rather than to a determined Resolution of Contradicting what had been so
 p. 20 Expressly Promised by them in their last Message and therefore sent the Clerk Again the next day who waiting an Hour at the Door after he had given the Proper Officer Notice of his having a Message to deliver from this House was Obligated at last to return without being Admitted to deliver such Message upon which this House finding an entire Stop put to the Communication of the Two Houses and to the publick Business made their humble Applica-

tion to your Excellency to interpose your Authority in such manner as might best prevent a further needless Expence and Burthen to the Province

U. H. J.
No. 734

This being the true State of the late Misunderstanding between the Upper House and the late Lower House we cannot but think the present Lower House had very little Reason to impute it to the Misapprehension of a Gentleman whose Honour and Understanding cannot be Doubted and more especially since the late Lower House did not think fit to Point out or even suggest any such Misapprehension

We do with much Truth and sincerity declare to your Excellency that we should have been very well Pleased if the Duty we owe to the Honour of this House and to Our own Characters had not Exacted Our Endeavours to Free Ourselves from every ill Construction that may be put on the many Insinuations in the Address of the Present Lower House as if this House retarded the dispatch of the publick Business in the last Assembly and we Cannot make the least Question but that Every Impartial Person must be Convinced that whatever Advances this present Lower House made in the last Assembly for the dispatch of publick Business yet that the late Lower House did not make such as were Proper to Remove that Stop which was put to Business by the Misunderstanding between the Two Houses

M. T. Ward President

Adjourned till to Morrow Morning Nine of the Clock

Friday Morning 18 May 1739

May 18

This House met again according to Adjournment

Present as yesterday except Col Hammond

His Excellency is pleased to communicate his Answer, to the Address of this House, in the following Words

Gentlemen of the Upper House of Assembly

I have perused your Address delivered to me yesterday which gives an Account at large of that unhappy Misunderstanding betwixt the Two Houses, which laid me under such an absolute Necessity of dissolving the last Assembly

I shall not take upon me to judge which of the Two Houses was in the wrong upon that Occasion, however I must do you the Justice to own, that it was impossible to shew more Temper and Moderation than Your House did at the Opening of this Session, which I was in hopes would have entirely prevented the least Revival of a

p. 21

U. H. J. Dispute, which cannot possibly produce any Good to the Publick but
 No. 734 must be attended with great Inconveniences

Sam: Ogle

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

A Bill from the Lower House by Mess^{rs} Henry and Wilkinson
 Entituled An Act for ascertaining the Gauge of Barrels for Pork
 and Beef and the Neat Quantity of Pork and Beef to be therein con-
 tained thus Endorsed

By the Lower House of Assembly 15 May 1739

Read the first time & Ordered to lye on the Table

Signed ꝑ Order M Macnemara Ct Lo Ho.

By the Lower House of Assembly 17 May 1739

Read the second time and will pass

Signed ꝑ Order M Macnemara Ct Lo H.

Read the first time in this house and Ordered to lye on the
 Table

A Bill from the Lower House by Mess^{rs} Denton and Hall En-
 tituled An Act empowering the Reverend John Lang Rector of S^t
 James's Parish and his Successors to lease Lands thus Endorsed

By the Lower House of Assembly 16 May 1739

Read the first time and Ordered to lye on the Table

Signed ꝑ Order M Macnemara Ct Lo H.

By the Lower House of Assembly 17 May 1739

Read the second time and will pass

Signed ꝑ Order M Macnemara Ct Lo H.

Read the first time in this House & Ordered to lye on the Table

A Bill from the Lower House by Mess^{rs} King and Swann En-
 tituled An Act for the cutting of an Entail and investing an Estate of
 Inheritance in fee simple of and in part of a Tract of Land called
 Coopers Purchase in Thomas Spalding and Catherine his Wife and
 to entail other Lands lying in S^t Marys County in Lieu thereof thus
 Endorsed

By the Lower House of Assembly 17 May 1739
Read the first time and Ordered to lye on the Table
Signed p Order M Macnemara Ct Lo H.

U. H. J.
No. 734
p. 22

By the Lower House of Assembly 17 May 1739
Read the second time and will pass
Signed p Order M. Macnemara Ct Lo H.

Read the first time in this house and Ordered to lye on the Table
Adjourned till to Morrow Morning Nine a Clock

Saturday Morning 19 May 1739

May 19

This House met again according to Adjournment
Present as yesterday except Co^t Ward.

A Bill from the Lower House by Mess^{rs} Calder and Harris Entitled An Act repealing an Act Entitled An Act for the Speedy and effectual Publication of the Laws of this Province and for the Encouragement of William Parks of the City of Annapolis Printer, as also One other Act Entitled An Act reviving an Act of Assembly Entitled An Act for the speedy and effectual Publication of the Laws of this Province and for the Encouragement of William Parks of the City of Annapolis Printer; and also One other Act Entitled a Supplementary Act to the Act Entitled An Act for the speedy and more effectual Publication of the Laws of this Province and for the Encouragement of William Parks of the City of Annapolis Printer thus Endorsed

By the Lower House of Assembly 18 May 1739
Read the first time and Ordered to lye on the Table
Signed p Order M Macnemara Ct Lo H.

By the Lower House of Assembly 19 May 1739
Read the second time and will pass
Signed p Order M Macnemara Ct Lo H.

Read the first time in this House and Ordered to lye on the Table
A Bill from the Lower House by Mess^{rs} Hinson and Ennals Entitled An Act for issuing Writs of Replevin out of the County Courts thus Endorsed

By the Lower House of Assembly 16 May 1739
Read the first time and Ordered to lye on the Table
Signed p Order M Macnemara Ct Lo H.

U. H. J.
No. 734

By the Lower House of Assembly 19 May 1739

Read the second time and will pass

Signed p Order M Macnemara Ct Lo H.

Read the first time in this house and Ordered to lye on the Table

p. 23 A Bill from the Lower House by Mess^{rs} Hanson and Waughop
Entituled An Act reviving and continuing the several Acts therein
mentioned thus Endorsed

By the Lower House of Assembly 17 May 1739

Read the first time and Ordered to lye on the Table

Signed p Order M Macnemara Ct Lo H.

By the Lower House of Assembly 19 May 1739

Read the second time and will pass.

Signed p Order M Macnemara Ct Lo H.

Read the first time in this house and Ordered to lye on the Table

A Bill from the Lower House by Mess^{rs} Lloyd and Sprigg En-
tituled An Act for continuing An Act of Assembly of this Province
Entituled An Act to prevent cutting up Tobacco Plants destroying
of Tobacco Houses & for ascertaining the Punishment of Criminals
guilty of the said Offences thus Endorsed

By the Lower House of Assembly 9 May 1739

Read the first time and Ordered to lye on the Table

Signed p Order M Macnemara Ct Lo H.

By the Lower House of Assembly 19 May 1739

Read the second time and will pass

Signed p Order M Macnemara Ct Lo H.

Read the first time in this house and Ordered to lye on the Table

A Bill from the Lower House by Mess^{rs} Pemberton and Gale
Entituled An Act reviving an Act Entituled An Act for Advance-
ment of Justice as also an Act of Assembly Entituled a Supple-
mentary Act to the Act for Advancement of Justice thus Endorsed

By the Lower House of Assembly 17 May 1739

Read the first time and Ordered to lye on the Table

Signed p Order M Macnemara Ct Lo H.

By the Lower House of Assembly 19 May 1739

U. H. J.
No. 734

Read the second time and will pass

Signed p Order M Macnemara C^t Lo H.

Read the first time in this house and ordered to lye on the Table

A Bill from the Lower House by Mess^{rs} Waughop and Swann
Entit^d an Act reviving an Act Entitled An Act for Naturalization
thus Endorsed

By the Lower House of Assembly 15 May 1739

Read the first time and Ordered to lye on the Table

Signed p Order M Macnemara C^t Lo H.

By the Lower House of Assembly 19 May 1739

p. 24

Read the second time and will pass

Signe p Order M Macnemara C^t Lo Ho.

Read the first time in this ho. and Ordered to lye on the Table

A Bill from the Lower House by Mess^{rs} Wootton and Sprigg
Entituled An Act empowering the Justices of Prince Georges
County to levy on the taxable Inhabitants of Queen Ann Parish in
the said County the sum of One hundred Pounds Current Money of
Maryland for the Uses therein mentioned thus Endorsed

By the Lower House of Assembly 16 May 1739

Read the first time and Ordered to lye on the Table.

Signed p Order M Macnemara C^t Lo Ho.

By the Lower House of Assembly 19 May 1739

Read the second time and will pass

Signed p Order M Macnemara C^t Lo H.

Read the first time in this House and Ordered to lye on the Table

Read the Petition of Erwyn Paterson Stephen Julian Peter Hen-
drickson and Charles Patty praying some allowance may be made
them for apprehending W^m Turner Referred to the Consideration
of the Lower House of Assembly

Read the Petition of William Ratcliffe of Queen Anns County.
Referred to the Consideration of the Lower House of Assembly, the
aforegoing Petitions are sent by George Plater Esq^r

Adjourned till Monday Morning Nine of the Clock

U. H. J.
No. 734
May 21

Monday Morning 21 May 1739

This House met again according to Adjournment

Present

The { Benjamin Tasker Esq^r } James Hollyday Esq^r
honourable { Philip Lee Esq^r } Col Levin Gale

An Engrossed Bill from the Lower House by Mess^{rs} Aisquith and Smalwood Entituled An Act for Encouragement of Abraham Wood of S^t Mary's County to build Mills thus subscribed

21 May 1739

Read and assented to by the Lower House of Assembly

Signed p Order M Macnémaña C^t Lo H.

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

p. 25 Present as in the morning with the Addition of Col Ward and Edmund Jenings Esq^r

Adjourned till to Morrow Morning Nine of the Clock

May 22 Tuesday Morning 22^d May 1739

This House met again according to Adjournment Present as Yesterday

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Read the Petition of Thomas Soames Samuel Deavor Thomas Gough Joseph Large and Ezekiel Orrick languishing Prisoners in Ann Arundel County Goal, William Gibson in Queen Anns County Goal, James Ranton and Peter Hyat in Prince Georges County Goal and Sarah Butcher a Prisoner for her fees in Dorchester County Goal; Referred to the Consideration of the Lower House of Assembly and sent by Edmund Jenings Esq^r

Adjourned till to Morrow Morning Nine of the Clock.

May 23 Wednesday Morning 23^d May 1739

This House met again according to Adjournment

Present as yesterday with the Addition of George Plater Esq^r

Read the Petition of Thomas Taylor a languishing Prisoner in Cecil County Goal, Thomas Bennight John Pitts James Magrah, Thomas Wight, and John Beachum in Talbot County Goal, and William Burroughs in Kent County Goal Rejected, the Petitioners not having complied with the Resolve of this House relating to Insolvent Debtors U. H. J.
No. 734

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Read the second time the Bill Entituled an Act for continuing an Act of Assembly of this Province Entituled An Act ascertaining the Gauge & Tare of Tobacco hh^{ds} and to prevent cutting cropping and defacing Tobacco taken on board Ships or Vessels upon Freight, and passed with the following Amendment after the Word, Assembly, in the last Line, add these Words, and to the End of the next Session of Assembly that shall happen after the End of the said three years & sent by Philip Lee Esq^r

Read the second time the Bill Entituled An Act empowering the Reverend John Lang Rector of St. James's Parish and his Successors to lease Lands and passed with the following Amendments, in 21st Line instead of the Words, are not to, put, shall not, and in the next Line instead of the Words, or sell or dispose of the Timber growing thereon otherwise than for the Support and maintaining their Plantations, put these Words, or make Use of any Timber growing thereon otherwise than for the Improvements or support of any Plantation or Plantations on the said Lands p. 26

Read the second time the Bill Entituled An Act reviving and continuing the several Acts therein mentioned and passed

Read the second time the Bill Entituled An Act reviving An Act Entituled An Act for Naturalization and passed

Read the second time the Bill Entituled An Act reviving an Act Entituled an Act for Advancement of Justice as also an Act of Assembly Entituled a supplementary Act to the Act for Advancement of Justice and passed

Read the second time the Bill Entituled an Act for continuing an Act of Assembly of this Province Entituled an Act to prevent cutting up Tobacco Plants destroying of Tobacco and Tobacco Houses and for ascertaining the Punishment of Criminals guilty of the said Offences and passed

Read the second time the Bill Entituled An Act repealing an Act Entituled an Act for the speedy and effectual Publication of the Laws of this Province and for the Encouragement of William Parks

U. H. J. of the City of Annapolis Printer as also One other Act Entituled an
 No. 734 Act reviving an Act of Assembly Entituled An Act for the Speedy
 and effectual Publication of the Laws of this Province & for the
 Encouragement of William Parks of the City of Annapolis Printer,
 & also One other Act Entituled a Supplementary Act to the Act
 Entituled An Act for the Speedy and more effectual Publication of
 the Laws of this Province and for the Encouragement of William
 Parks of the City of Annapolis Printer, and passed the word, from,
 being put between, far and answering, in 12th Line of the first Page

Read the second time the Bill Entituled an Act empowering the
 Justices of Prince Georges County to levy on the taxable Inhabitants
 of Queen Anns Parish in the said County the Sum of One hundred
 Pounds Current Money of Maryland for the uses therein mentioned
 and passed, the Seven foregoing Bills are sent to the Lower House
 by Benjamin Tasker Esq^r

Read the second time the Bill Entituled an Act for issuing Writs
 of Replevin out of the County Courts & will not pass and sent by
 Co^t Gale.

p. 27 Adjourned till to Morrow Morning nine of the Clock.

May 24 Thursday Morning 24 May 1739

This House met again according to Adjournment

Present as yesterday

A Bill from the Lower House by Mess^{rs} King and Harris En-
 tituled An Act for the Tryal of all Matters of Fact in the several
 Counties where they have arisen or shall arise thus Endorsed

By the Lower House of Assembly 16 May 1739

Read the the first time and Ordered to lye on the Table

Signed p Order M. M. C^t L H.

By the Lower House of Assembly 22^d May 1739

Read and committed for Amendments

Signed p Order M Macnemara C^t Lo H.

By the Lower House of Assembly 23 May 1739

Read the second time and will pass

Signed p Order M Macnemara C^t Lo H.

Read the first time in this House and Ordered to lye on the Table

Read the second time the Bill Entituled An Act for the cutting
 off an Entail and investing an Estate of Inheritance in fee simple of

and in Part of a tract of Land called Coopers Purchase in Thomas Spalding and Catherine his Wife and to entail other Lands lying in S^t Marys County in Lieu thereof and passed & sent by Benjamin Tasker Esq^r U. H. J.
No. 734

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

A Bill from the Lower House by M^r Dulany and Twelve Others Entituled An Act for Limitation of Officers fees thus Endorsed

By the Lower House of Assembly 19 May 1739

Read the first time and Ordered to lye on the Table

Signed p Order M Macnemara C^t Lo H.

By the Lower House of Assembly 23^d May 1739

Read the second time and will pass

Signed p Order M Macnemara C^t Lo H.

Three Engrossed Bills from the Lower House by Mess^{rs} Wootton & Harris One Entituled An Act for continuing an Act of Assembly of this Province Entituled an Act to prevent cutting up Tobacco Plants destroying of Tobacco and Tobacco houses and for ascertaining the Punishment of Criminals guilty of the said Offences, One Entituled an Act reviving an Act for the Advancement of Justice, as also an Act of Assembly Entituled a Supplementary Act to the Act for Advancement of Justice, & the Other Entituled An Act reviving and continuing the several Acts therein mentioned severally thus subscribed p. 28

24 May 1739

Read and assented to by the Lower House of Assembly

Signed p Order M Macnemara C^t Lo H.

Two Engrossed Bills from the Lower House by Mess^{rs} Lloyd and Ennals One Entituled An Act reviving an Act for Naturalization, and One Entituled An Act for continuing an Act of Assembly of this Province Entituled An Act ascertaining the Gauge and Tare of Tobacco hogsheds and to prevent cutting cropping and defacing Tobacco taken on board Ships or Vessels upon Freight Severally thus subscribed

24 May 1739

Read and assented to by the Lower House of Assembly

Signed p Order M Macnemara C^t Lo H.

U. H. J. Two Engrossed Bills from the Lower House by Mess^{rs} Sheredine
 No. 734 & Hall One Entituled An Act repealing an Act for the Speedy
 and effectual Publication of the Laws of this Province and for the
 Encouragement of William Parkes of the City of Annapolis Printer
 as also One other Act Entituled an Act reviving an Act of Assembly
 Entituled an Act for the Speedy and effectual Publication of the
 Laws of this Province and for the Encouragement of William
 Parkes of the City of Annapolis Printer and also One other Act
 Entituled a Supplementary Act to the Act Entituled an Act for the
 more speedy and effectual Publication of the Laws of this Province
 and for the Encouragement of William Parks of the City of Annapolis
 Printer; the Other Entituled an Act empowering the Justices of
 Prince Georges County to levy on the taxable Inhabitants of Queen
 Anns Parish in the said County the sum of One hundred Pounds
 Current Money of Maryland for the Uses therein mentioned, thus
 subscribed

24 May 1739

Read and assented to by the Lower House of Assembly

Signed p Order M Macnemara C^t Lo H.

Adjourned till to Morrow Morning Nine of the Clock

May 25

Friday Morning 25th May 1739

This house met again according to Adjournment

p. 29 Present as yesterday with the Addition of C^ot Hammond

Read the second time the Bill Entituled An Act for the Tryal of
 all Matters of Fact in the several Counties where they have arisen
 or shall arise, and will not pass, sent by C^ot Hammond

Read the second time the Bill Entituled an Act for ascertaining
 the Gauge of Barrells for Pork and Beef and the neat Quantity of
 Pork and Beef to be therein contained, and passed with the follow-
 ing Amendments Viz. the Gauge of the Barrells to be 31½ Gallons,
 in 2^d Line of 2^d Page from the Word, professing, to the Words, set
 up, in 5th Line of the same Page to be left out and the following
 Words inserted, that shall wittingly and knowingly make or set up
 or cause to be made or set up after the said nine and twentieth Day
 of September, in 10th Line of 5th Page instead of the Words, use of
 the County School where the Offence shall be committed, put, Right
 honourable the Lord Proprietary his heirs and successors for and
 towards the better Support of this Government, in last Line of the
 same Page instead of, three, say two, in 1st Line of 6th Page leave
 out, or any Two of them, in 2^d Line after the Word, are, put, or any
 One of them is, in 6th Line of the same Page instead of, them or
 some other three, put, any two, sent by Edmund Jenings Esq^r

Read the Petition of Levin Hill a languishing Prisoner in Custody of the Sheriff of Ann Arundell County praying an Act may pass for his Relief, and also the Petition of Doctor Richard Hill of Ann Arundel County praying an Act may pass in the Nature of a Letter of License exempting him for five Years from all Arrests Attachments or Other Disturbance on Account of any Debt or Debts by him heretofore contracted; and also Read the Remonstrance of John Tayloe of the Colony of Virginia Esq^r desiring no Bill may pass in favour of the said Richard or Levin Hill in Prejudice to the Debt or Claim of him the Remonstrant, which Petitions and Remonstrance being considered of; It is ordered that the Petition of Levin Hills be referred to the Consideration of the Lower House of Assembly & sent by George Plater Esq^r and the House being divided in Opinion relating to the Petition of Richard Hill, the said Petition is therefore rejected

U. H. J.
No. 734

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Read the Petition of John Nixon in Custody of the Sheriff of Ann Arundel County Nicholas Hammond and Philip Fynn of the same County praying severally that an Act may pass for their Relief, Rejected

p. 30

Read the Petition of Richard Dorton a languishing Prisoner in Ann Arundel County Goal, Referred to the Consideration of the Lower House of Assembly & sent by George Plater Esq^r

Read the Petition of Thomas Hayward of Somerset County praying Leave to bring in a Bill to aid the Defects in the Execution of Two Deeds of Bargain and sale signed and executed in the Name of John Caldwell as Attorney in fact of John Smith of Sussex County in the Territories of Pensilvania Husbandman and that the same may be as valid to all Intents and Purposes as if the said John Smith had signed & executed the same in his proper Person; Referred to the Consideration of the next Session of Assembly, and ordered that the Petitioner give Notice to the Heir at Law that he intends then to apply for Relief, and that the Petitioner bring Proof to this House of such Notice being given

A Bill from the Lower House by M^{rs} Weemes and Hall Entituled An Act empowering the Justices of Calvert County to repair the Court house of that County by an Assesment on the Inhabitants thereof thus Endorsed

U. H. J.
No. 734

By the Lower House of Assembly 23 May 1739
Read the first time & Ordered to lye on the Table
Signed p Order M Macnemara Ct Lo H.

By the Lower House of Assembly 25 May 1739
Read the second time and will pass.
Signed p Order M Macnemara Ct Lo H.

Read the first time in this House and Ordered to lye on the Table
A Bill from the Lower House by Mess^{rs} Moale and Lloyd Entitled an Act reviving an Act Entitled An Act to prevent the injuring Harbours within this Province thus Endorsed

By the Lower House of Assembly 19 May 1739
Read the first time and ordered to lye on the Table
Signed p Order M Macnemara Ct Lo H.

By the Lower House of Assembly 25 May 1739
Read the second time and will pass
Signed p Order M Macnemara Ct Lo H

Read the first time in this house & ordered to lye on the Table
A Bill from the Lower House by Mess^{rs} Aisquith and Caswall
p. 31 Entitled an Act for enlarging the Jurisdiction of the County Courts within this Province thus Endorsed

By the Lower House of Assembly 19 May 1739
Read the first time and Ordered to lye on the Table
Signed p Order M Macnemara Ct Lo H.

By the Lower House of Assembly 25 May 1739
Read the second time and will pass
Signed p Order M Macnemara Ct Lo Ho.

Read the first time in this house and ordered to lye on the Table
Two Bills from the Lower House by Mess^{rs} Gassaway and Ennals
One Entitled An Act to vest an Estate of fee simple of and in a Tract of Land called Ropers Neck in Benjamin Howard and for settling other Lands of equal Value in Lieu thereof thus Endorsed

By the Lower House of Assembly 23 May 1739
Read the first time and Ordered to lye on the Table
Signed p Order M Macnemara Ct Lo H.

By the Lower House of Assembly 25 May 1739

U. H. J.
No. 734

Read the second time and will pass

Signed p Order M Macnemara Ct Lo H.

The Other Entituled an Act reviving an Act Entituled a Supplementary Act to the Act Entituled an Act laying an Imposition on Negroes and on several sorts of Liquors imported, and also on Irish Servants to prevent the importing too great a Number of Irish Papists into this Province thus Endorsed

By the Lower House of Assembly 17 May 1739

Read the first time & Ordered to lye on the Table

Signed p Order M Macnemara Ct Lo H.

By the Lower House of Assembly 25 May 1739

Read the second time and will pass

Signed p Order M Macnemara Ct Lo H.

Both which Bills were Read the first time in this House & Ordered to lye on the Table

Read the Petition of John Rogers of Kent County praying Leave to bring in a Bill enabling Thomas Williams and Mary his Wife the Relict of Benjamin Hopkins late of the said County to convey a Tract of Land called Hangmans folly lying in Kent County af^d to him the said Rogers in Lieu of a Tract of Land to be Conveyed by the said Rogers to the said Benjamin Hopkins for which the said Rogers past his Bond for twenty thousand Pounds of Tobacco to the said Hopkins to convey the same; Rejected

Adjourned till to Morrow Morning Nine of the Clock

Saturday Morning 26 May 1739

May 26

This House met again according to Adjournment

p. 32

Present as yesterday

Read the Petition of William Biggs a languishing Prisoner in St Mary's County praying an Act for his Relief; Referred to the Consideration of the Lower House of Assembly & sent by Benjamin Tasker Esq^r

A Bill from the Lower House by Mess^{rs} Denton and Gassaway Entituled An Act for the more speedy and effectual Publication of the Laws of this Province & for the Encouragement of Jonas Green of the City of Annapolis Printer thus Endorsed

U. H. J.
No. 734

By the Lower House of Assembly 17 May 1739

Read the first time & Ordered to lye on the Table

Signed p Order M Macnemara Ct Lo H.

By the Lower House of Assembly 26 May 1739

Read the second time and will pass.

Signed p Order M Macnemara Ct Lo Ho.

Read the first time in this house and Ordered to lye on the Table

Read the first time in this House the Bill Entituled An Act for
Limitation of Officers fees and Ordered to lye on the Table

Adjourned till Monday Morning Nine of the Clock

May 28

Monday Morning 28 May 1739

This House met again according to Adjournment

Present

| | | | | |
|---------------|---|----------------------------------|-----------------------------------|-----------------------|
| The Honble | { | Cot Matt. Tilgh : Ward | } James Hollyday Esq ^r | |
| | | Benjamin Tasker Esq ^r | | } Cot Charles Hammond |
| | | George Plater Esq ^r | | |
| | | Edmund Jenings Esq ^r | | |

Read the second time the Bill Entituled an Act for Limitation of
Officers fees, and will not pass & sent by Cot Gale

Read the second time the Bill Entituled An Act for the Benefit
of the Poor and Encouragement of Industry, and will pass, pro-
vided the Continuance of the Act be for three Years and unto the End
of the next Session of Assembly which shall happen after the End
of the said three years; sent by Cot Hammond

Read the second time the Bill Entituled an Act for enlarging the
Jurisdiction of the County Courts within this Province, and will not
pass, and sent by James Hollyday Esq^r

Read the second time the Bill Entituled an Act empowering the
three Comm^{rs} therein named together with the Justices of Calvert
County to repair the Court house of that County by an Assesment
on the Inhabitants thereof, passed & sent by Edmund Jenings Esq^r

p. 33 Read the second time the Bill Entituled an Act reviving an Act
Entituled an Act to prevent the injuring Harbours within this Pro-
vince; and the Bill Entituled an Act reviving an Act Entituled a
supplementary Act to the Act Entituled An Act laying an Imposi-
tion on Negroes and on several Sorts of Liquors imported, and also
on Irish servants to prevent the importing too great a Number of
Irish Papists into this Province, passed and sent by George Plater
Esq^r

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

U. H. J.
No. 734

This house met again according to Adjournment

Present as in the Morning

Mess^{rs} Denton and George from the Lower House attend with M^r Hammond One of the Members elected for Ann Arundel County, and with M^r Pearce a Member elected for Cecil County in the Room of M^r Johnson deceased in order to see them qualified, who take the Oaths to the Government appointed to be taken by Act of Assembly and subscribe the Abjuration and Test and then withdrew

Read the second time the Bill Entituled an Act for the more speedy and effectual Publication of the Laws of this Province and for the Encouragement of Jonas Green of the City of Annapolis Printer and will pass with the following Amendments, in 2^d Line of 3^d Page instead of the Words, Other Proceedings of the House of Delegates of this Province at any time hereafter when he shall be ordered or required by the said House so to do; put these Words, all such Papers relating to the Publick as the Gov^r for the time being shall order, and all Proceedings of the Upper and Lower Houses of Assembly as shall be required by Either of the said Houses; and in 4th Line of the same Page after, Service, put, or Services; & sent by Benj^a Tasker Esq^r

Read the second time the Bill Entituled An Act to vest an Estate of Fee simple of and in a Tract of Land called Ropers Neck in Benjamin Howard and for settling other Lands of equal Value in Lieu thereof; passed and sent by Co^t Hammond

Adjourned till to Morrow Morning nine of the Clock

Tuesday Morning 29 May 1739

May 29

This House met again according to Adjournment

Present as yesterday

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

P. 34

Present as in the Morning

A Message from the Lower House by Mess^{rs} Denton and Courts

By the Lower House of Assembly 29 May 1739

May it please Your Honours

This House having received several Complaints from many Parts of this Province concerning Officers fees, prepared a Bill for the

U. H. J. Limitation of them as the best and only Expedient to remove all
 No. 734 Causes of Complaint and to satisfy all Parties, which Bill Your
 Honours have not thought fit to pass.

We can't imagine your not passing the said Bill could have proceeded from any Inclination in Your Honours not to joyn your Endeavours with Ours to render the People easy and to remove every Obstacle to their Happiness

This being the Opinion We have of Your Honours, We apprehend that your refusing to concur with this House in the said Bill was occasioned by some weighty Objections, which you thought you had to some Parts of it: If we judge right of your Honours Motives, We still entertain Hopes that either your Objections may be obviated or such Expedients found out as may remove all Difficulties to settle the Fees upon such Foundation as will be certain and satisfactory, as well to the People who pay, as the Officers who shall be entituled to receive them

To this End we propose a Conference with such Members of Your House as you shall think fit to appoint for that Purpose

Signed p Order M Macnemara Ct Lo H.

Four Engrossed Bills from the Lower House by Mess^{rs} Wooton and Aisquith One Entituled an Act reviving an Act Entituled an Act to prevent the injuring Harbours within this Province; One Entituled an Act for cutting off the Entail and investing an Estate of Inheritance in fee simple of and in Part of a Tract of Land called Coopers Purchase in Thomas Spalding and Catherine his Wife and to entail other Lands lying in St. Marys County in Lieu thereof; One Entituled an Act empowering the Reverend John Lang Rector of St James's Parish and his Successors to Lease Lands; and the Other Entituled an Act reviving an Act Entituled a supplementary Act to the Act Entituled an Act laying an Imposition on Negroes & on several Sorts of Liquors imported and also on Irish Servants to prevent the importing too great a Number of Irish Papists into this Province severally thus subscribed

29 May 1739

Read and assented to by the Lower House of Assembly

Signed p Order M Macnemara Ct Lo H.

p. 35 Adjourned until to Morrow Morning Nine of the Clock

May 30

Wednesday Morning 30 May 1739

This House met again according to Adjournment

Present as yesterday

A Bill from the Lower House by M^r Smith and 12 Others Entit^d an Act for raising an Annual Revenue for the better Support of his

Lordships Government and Governor within this Province thus U. H. J.
Endorsed. No. 734

By the Lower House of Assembly 29 May 1739

Read the first time and Ordered to lye on the Table

Signed p Order M Macnemara Ct Lo H.

By the Lower House of Assembly 30 May 1739

Read the second time by an Especial Order and will pass

Signed p Order M Macnemara Ct Lo H.

Read the first time in this House and Ordered to lye on the Table
Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning with the Addition of Philip Lee Esq^r

The following Message is sent by James Hollyday Esq^r

The Upper House of Assembly 30 May 1739

Gentlemen

Your Message of yesterday by Mess^{rs} Denton & Courts gave Us real Satisfaction for that you seem now after sitting above four Weeks to shew a Disposition to proceed in some Manner likely to attain the great End desired by Us, the Ease and Good of the Country, and also by the same Message you most truly and candidly declare the Opinion you cannot in Justice avoid having of Our sincere Inclinations and Endeavours to render the People easy, and remove every Obstacle to their Happiness; As these Points have been our Constant Aim, we cannot but comfort Our selves in the just Sense the Lower House of Assembly entertains of Our sincerity, And therefore you conclude very rightly that Our Refusal to concur with the Bill mentioned in Your Message was occasioned by some weighty Objections, which we shall not be less pleased to have obviated, than to receive any such Expedients as may remove all Difficulties to settle the Officers fees satisfactorily to all Parties; although We are very well assured the Regulation of the Lord Proprietary makes the Fees sufficiently certain: Nor is it to be imagined that by an Act of the Legislature Complaints concerning Officers fees can be totally prevented, such Complaints being often promoted by the clamorous and uneasy Dispositions of restless and turbulent Persons without any just Foundation therefore We think the Legislature ought to be very careful not to give any Encouragement to Complaints upon trifling Occasions, especially considering that any

U. H. J. Complaints may be remedied or put in a Course of Justice by the
 No. 734 Governor without interrupting or delaying the Proceedings of the
 General Assembly of this Province sitting at so great an Expence

However still further to confirm you in your just Opinion of Our
 Inclination to do Everything in Our Power that can be serviceable
 to the Country, We agree to a Conference as you propose, and have
 accordingly appointed Edmund Jenings and Levin Gale Esq^r to
 joyn such Members as shall be appointed by Your House

Signed p Order John Ross Cl Up H.

An Engrossed Bill from the Lower House by Mess^{rs} Gale and
 Pearce Entituled an Act for the Benefit of the Poor and Encourage-
 ment of Industry thus subscribed

30 May 1739

Read and assented to by the Lower House of Assembly

Signed p Order M Macnemara Cl Lo H.

A Message from the Lower House by Mess^{rs} King and Lloyd.

By the Lower House of Assembly 30 May 1739

May it please Your Honours

Your Message by James Hollyday Esq^r gave Us a real Surprise
 in that you thereby insinuate, that after above four Weeks sitting,
 We had not till the 29th Instant shewn any Disposition to proceed,
 and that only in Some manner likely to attain the Great End you are
 pleased to say is by you desired, the Ease and Good of the Country

We can appeal to Every One who shall peruse Our Proceedings,
 whether we have not been assiduously employed during Our sitting
 in enquiring into Publick Grievances, proposing and passing new
 Bills, and renewing such Laws as would expire, where We have
 judged them necessary for the Welfare of the People, and how far
 Our Endeavours have succeeded therein, by the Concurrence of
 Your House, let the impartial World judge

Could We be of Opinion that the Regulation of Officers fees by the
 Lord Proprietary, could give the People We represent Satisfaction
 or make them sufficiently certain, We should not have given Your
 p. 37 Honours the Trouble of this, or our other Message by Mess^{rs} Denton
 and Courts

We cannot look upon the many Complaints brought Us from all
 Parts of this Province, grounded on the many Extortions com-
 mitted by the Officers, to be without just Foundation, or to proceed
 from the clamourous and uneasy Dispositions of restless and turbu-
 lent Persons, unless those can be called such, who complain of real
 Aggrievances imposed on them by the Officers, nor do We know of

any Way to suppress those Aggrievances but by an Act of the U.H.J.
Legislature No. 734

We wish We could say those Complaints brought Us had been on trifling Occasions, if they had, they would never have met with Encouragement from Us, but as they appear otherwise, We cannot think We can be better employed than in finding Means to redress the Evils, and punish the Offenders

However We are further confirmed in Our Opinion of your Inclination to do Everything that can be serviceable to the Good of the Country, by appointing Edmund Jenings and Levin Gale Esq^r to join such Members as shall be appointed by Our House in the Conference proposed, and accordingly have appointed Doctor Charles Carrol, Mess^{rs} Joshua George William Stoughton, Vachel Denton James Calder and Robert Jenkins Henry Members of this House to join those honourable Members of Your House in that Conference at such time and Place as to your Honours shall seem meet

Signed p Order M Macnemara Ct Lo H.

Adjourned till to Morrow Morning nine of the Clock

Thursday Morning 31 May 1739

May 31

This House met again according to Adjournment

Present as yesterday except Cot Hammond

The following Message is sent by Edmund Jenings Esq^r

By the Upper House of Assembly 31 May 1739

Gentlemen

However surprizing the Truths mentioned in Our Message of Yesterday by James Hollyday Esq^r may be to Your House, yet they are not the less Truths for that Reason; but as the Publick Good requires Our sole Attention we shall wave further Notice of what is justly exceptionable in Your Message by Mess^{rs} King and Lloyd and proceed to acquaint you that the Conferees appointed by this p. 38 House will meet the Conferees named by your House at M^r Lomas's immediately

Signed p Order John Ross Ct Up H.

Adjourned till two of the Clóck in the Afternoon

Eodem Die post Meridiem

This house met again according to Adjournment

Present as in the Morning

Read the second time the Bill Entituled an Act for raising an Annual Revenue for the better Support of his Lordships Government

U. H. J. and Governor within this Province and will not pass, sent to the
 No. 734 Lower House with the following Message by George Plater Esq^r

By the Upper House of Assembly 31 May 1739

Gentlemen

Upon Considering the Bill for raising an Annual Revenue for the better Support of his Lordships Government and Governor within this Province We have thought fit not to Pass it And we are Perswaded you will upon Reconsidering that Bill Concur with us in the Reasonableness of Our Refusal

In the first part of the Preamble it is set forth "that it doth not appear to this Present General Assembly that there is any Law now in force to raise a Sufficient Support for the Purpose mentioned in the Bill" In which Assertion we cannot Agree with you And We have the Happiness to be Supported in our Opinion by the Words Used towards the latter part of the Preamble of that Bill wherein it is said that "it is not the Intention of this Assembly to deprive the Right Honourable the present Lord Proprietary of a Sufficient And Honourable Support for his Government and Governor for the time being in and over this Province" By this it is necessarily Implied that his Lordship has a Right and Title at this Time to such a sufficient and Honourable Support as he may be deprived of

This is very true but Contrary to the former Allegation of no Law to raise a sufficient Support since the Perpetual Law only of 1704 raises that support And further We Apprehend no Power less than a Legislative one can deprive him of that Right which is declared by the Bill not to be the Intent of the Legislators. But be pleased to Consider how well that declaration and the Continuance of this Bill for three years Agrees with some Arguments in the Preamble fetched from temporary Laws being Enacted as if such temporary Laws destroyed the Perpetual Law of 1704; And as We are Inclined to Believe there is no Intention to deprive his Lordship of a sufficient and honourable support of Government We cannot think it Adviseable by Passing this Bill to Afford another Instance of a Temporary Law, since such strange Inferences not War-
 p. 39 ranted by any Rules whatever are drawn from Temporary Laws and our Conduct in this matter must appear the more satisfactory to you since the Grand Reason of that Bill seems only to be, in order to Assert and maintain that principal and most Essential Branch of Liberty which the Assembly conceive themselves "intituled to as Subjects of Great Britain of not being liable to the Payment of any money Tax Impost or Duty except such as shall be warranted raised and Assessed by Laws made by themselves and the Other Branches of the Legislative Body" If this is the true Motive, and no Intention to deprive his Lordship of the support of Gov-

ernment it must be more reasonable and even necessary to make a Perpetual rather than a Temporary Law, since on the one Hand the End Proposed of not being Liable to any Tax &c but such as should be Warranted by Laws made by themselves would in this particular be fully answered and on the other hand the Intention of not depriving his Lordship of the support of Government would be put beyond any Possibility of Doubt: And We have the less Reason to Apprehend Your Difference in Sentiments with Ours on this head since by the Act of 1704 only Twelve Pence p hhd is raised which by this Bill is Admitted to be a Proper and necessary Support for Government so that by a Perpetual Law now to be made His Lordship would not be entituled to more than what the Perpetual Law of 1704 gives him

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Further the Body or enacting part in the Bill Contains some Appropriations or Uses perfectly new in Bills of this Kind and upon the whole we rest Assured you will think us well Justified in Rejecting that Bill.

Signed p Order John Ross Cl Up Ho.

The Aforegoing Bill being Ordered to be entered at large in the Journal of this House is as follows

An Act for raising an Annual Revenue for the better Support of his Lordships Government and Governor within this Province

Whereas upon the most Serious Consideration of the several Laws heretofore made for Raising and Levying money for the Support of the Right Honourable the Lord Proprietary his Government in and over this Province and maintainance of his Governor for the time being It doth not appear to this present General Assembly that there is any Law now in force to raise a Sufficient Support for that Purpose but that from the twenty ninth day of September In the year of Our Lord One thousand Seven Hundred and thirty two down to this time the sum of twelve Pence Sterling for every Hogshead of Tobacco exported out of this Province hath been Collected and Levied from the Inhabitants thereof under Colour and Pretext of An Act of Assembly made the fifth day of September seventeen hundred and four whilst this Government was immediately in the Crown Entituled an Act for Settlement of an Annual Revenue upon her Majestys Governor within this Province for the time being on a Supposition or Misapprehension that that Act whereby the said Twelve Pence was Given to her late Majesty Queen Ann her Heirs and Successors For the Support of her Government for the time being in and over this her Majestys Province did extend to the Lord Proprietary his Governor and Government And Whereas after the most mature deliberation it Manifestly Appears to this General Assembly that the Lord Proprietary is not within the words of the Aforesaid Act nor by any Reasonable Construction can be Compre-

p. 40

U. H. J. hended within the Sence and meaning thereof not only by what may
 No. 734 be Gathered from the different Acts heretofore made of the like kind
 at the respective times when this Government was in the Hands of
 the Proprietary or in the Crown whereby the Aforesaid or the like
 duty in one Case hath been always Given to the Proprietary and his
 Heirs and in the other to the King and Queen their Heirs and Suc-
 cessors for the support of their Governor and Government for the
 time being But Also from what Appears to have been the Sence
 of our present Lord Proprietary concerning the same from the time
 of his Admission to the Government until the Year Seventeen hun-
 dred and Thirty two Aforesaid by his Assenting and Becoming a
 Party to several Acts made in that time for raising a duty for the
 Support of his Government in every of which the said duty has been
 Expressly Given to himself and his Heirs without mentioning the
 King and likewise by his Assenting to and passing another Act
 now Subsisting entituled an Act for transferring the Payment of all
 such Fines and Forfeitures as shall hereafter Arise or happen upon
 the Breach of any the Penal Lawes of this Province to the right
 Honourable the Lord Proprietor Although the Words by which
 these Fines and Forfeitures are Given to the Kings and Queens
 aforesaid are Exactly the same with those which Give the Twelve
 Pence p hhd in the Act of Seventeen hundred and four and Foras-
 much as it is not the Intention of this Assembly to deprive the right
 Honourable the present Lord Proprietary of a sufficient and Honour-
 able Support for his Government and Governor for the time being
 in and over this Province but only to Assert and maintain to them-
 selves their Constituents and Posterity that Principal And most
 Essential Branch of Liberty which they Conceive themselves en-
 titled to as Subjects of Great Britain of not being Liable to the
 Payment of any Money Tax Impost or duty Except such as shall
 be Warranted Raised and Assessed by Laws made by themselves and
 the other Branches of the Legislative Body of this Province It is
 therefore humbly prayed that it may be enacted and be it Enacted by
 the Right Honourable the Lord Proprietary by and with the Advice
 p. 41 and Consent of his Lordships Governor and the Upper and Lower
 Houses of Assembly and the Authority of the same that for and
 during the Continuance of this Act the Sum of Twelve Pence Ster-
 ling Money of Great Britain shall be raised Levied and Collected for
 every Hogshead and Quantity of an Hogshead of Tobacco which
 shall at any Time after the end of this Session of Assembly be Shipped
 or put on Board any Ship or Vessel to be exported out of this
 Province or any the Territories thereto belonging which said Sums
 shall be Collected and Received by the several Naval Officers of this
 Province of and from the Masters or Commanders of such Ships
 or Vessels at the time or times of their Clearing out the said Ves-
 sels at the Respective Custom Houses of this Province and the same

so Collected and Received shall be paid to his said Lordship his Heirs or Successors as to such other Person or Persons as he or they shall Authorize and Appoint to Receive the same to be by the said Lord Proprietary his heirs and Successors used and Applied for the support of his Lordships Government and Governor within this Province in the same manner and to all and every other Ends and Uses as the said Duty had been formerly Applied by the Acts of this Province Granting the same to his Lordships noble Predecessors and since his said Lordships being restored to this Governm^t the same duty has been paid and Granted for and not otherwise this Act to Continue until the twenty ninth day of September which shall be in the Year of our Lord One Thousand Seven hundred and forty two.

U. H. J.
No. 734

Adjourned till to Morrow Morning nine of the Clock.

Friday Morning 1st June 1739

June 1

This House met again according to Adjournment

Present as yesterday with the Addition of C^t Hammond

A Bill from the Lower House by Mess^{rs} Henry and Gale Entituled an Act for laying out the Town a new commonly called Snow hill Town in Somerset County thus Endorsed

By the Lower House of Assembly 30 May 1739

Read the first time & Ordered to lye on the Table

Signed p Order M Macnemara C^t Lo H.

By the Lower House of Assembly 31 May 1739

Read the second time and will pass.

Signed p Order M Macnemara C^t Lo H.

Read the first time in this house & Ordered to lye on the Table p. 42

Two Engrossed Bills from the Lower House by Mess^{rs} Gordon and Aisquith One Entituled an Act to vest an Estate of Fee Simple of and in a Tract of Land called Ropers Neck in Benjamin Howard and for settling other Lands of equal Value in Lieu thereof thus subscribed

1st June 1739

Read and assented to by the Lower House of Assembly

Signed p Order M Macnemara C^t Lo H.

the Other Entituled an Act for the more Speedy and effectual Publication of the Laws of this Province and for the Encouragement of Jonas Green of the City of Annapolis Printer thus subscribed

U. H. J.
No. 734

31 May 1739

Read and assented to by the Lower House of Assembly

Signed p Order M Macnemara Ct Lo H.

A Bill from the Lower House by Mess^{rs} Gassaway and Gale
Entituled An Act for laying out and applying a Sum not exceeding
Two hundred Pounds Current Money to the Uses therein mentioned
thus Endorsed

By the Lower House of Assembly 29 May 1739

Read the first time and Ordered to lye on the Table

Signed p Order M Macnemara Ct Lo H.

By the Lower House of Assembly 1 June 1739

Read the second time and will pass

Signed p Order M Macnemara Ct Lo H.

Read the first time in this house & Ordered to lye on the Table

A Bill from the Lower House by Mess^{rs} Moale and Gassaway
Entituled An Act to cut off the Entail of Part of a Certain Tract of
Land called Williams Range in Prince Georges County and to Settle
other Lands in Lieu thereof thus Endorsed

By the Lower House of Assembly 1st June 1739

Read the first and second time by an Especial Order & will pass

Signed p Order M Macnemara Ct Lo H.

Read the first time in this house & Ordered to lye on the Table

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

p. 43

Adjourned till to Morrow Morning nine of the Clock

June 2

Saturday Morning 2^d June 1739

This House met again according to Adjournment

Present as yesterday with the Addition of James Harris Esq^r

Edmund Jenings Esq^r from the Committee relating to an Officers
fee Bill brings in the following Report

At a Conference appointed by the Upper and Lower Houses of U. H. J.
Assembly relating to an Officers fee Bill held on Thursday 31st No. 734
May 1739 Viz.

| | | |
|-----------------------|---|----------------------|
| The | { Edmund Jenings Esq ^r | } of the Upper House |
| honourable | { Levin Gale Esq ^r | |
| Doctor Carrol | { M ^r Stoughton | } Of the Lower House |
| M ^r Calder | { M ^r Denton | |
| M ^r George | { M ^r Rob ^t Jenk ^s Henry | |

Who make Choice of the honourable Edmund Jenings Esq^r their
Chairman and of Thomas Lynn their Clerk

The Conferees appointed by the Upper House informed the
Conferees appointed by the Lower House that they were commanded
by the Upper House to acquaint the Conferees of the Lower House,
that the Upper House could agree to no Law to establish Officers
fees but what should be perpetual and were ordered not to proceed
to consider of any fees till the sense of the Lower House on that
Point should be made known

To which the Conferees appointed by the Lower House say they
cannot give any Answer until they advise their House thereof and
take their Directions therein.

And thereupon the Conferees adjourn until to Morrow Morning
at ten of the Clock

Friday morning the Conferees meet according to Adjournment

The Conferees of the Lower House deliver the Conferees of the
Upper House the Directions of the Lower House to their said Con-
ferees in Answer to the Proposal of the Conferees of the Upper
House which Directions are as follow Viz.

This house having taken into Consideration the Report of their
Members appointed Conferees concerning the Officers fee Bill and
the Proposal made by the Conferees appointed by the Upper House, p. 44
of making that Bill a perpetual Act, do unanimously agree that it
would be of the most dangerous and destructive Consequence to the
People of this Province to make such an Act perpetual

And that their Conferees af^d have it in Charge to Acquaint the
Conferees of the Upper House with this their Resolution and reject
the Proposal aforesaid

And that if the said Conferees from the Upper House should refuse
to proceed in the Conference without this Houses acquiescing in that
Proposal, they be told as from this House that all the Evils that shall
arise to the People of this Province for Want of an Act for regulating
Officers fees must be laid to the Charge of the Upper House inas-
much as this House by the Bill proposed have given Fees & a longer
Duration than has been in the like Act in Our Neighbouring Colony
of Virginia, which is immediately under his Majestys auspicious

U. H. J. Government and Protection, and have done every other thing in their
No. 734 Power in Order to render such a Bill useful to the Province

The Conferees adjourn to three of the Clock in the Afternoon

The Conferees meet according to Adjournment; And thereupon the Conferees of the Upper House deliver to the Conferees of the Lower House a Paper, the Purport of which is in the following Words Viz.

We the Conferees appointed by the Upper House have it in Command from that House, to acquaint the Conferees of the Lower House, that they conceive the Proprietarys Authority to settle Officers fees where there is no positive law for that Purpose to be indisputable, and that they apprehend the Exercise of such Authority to be agreeable from Time to Time to the several Instructions from the Throne to the respective Governments; and therefore that the Upper House cannot but think a Perpetual Law in this Case reasonable and necessary to settle all Disputes now and hereafter, and which End could not be obtained by a temporary Law, And further if any Uneasiness should happen in the Country for Want of a Law to ascertain the Fees, the Upper House will have this Satisfaction, that they have made such Advances towards such a Law, as they doubt not will meet with the Approbation of their Superiors and every impartial Person, and upon the whole we are again ordered by the Upper House not to consider of the Quantum of the fees unless a Perpetual Law be agreed to by the Conferees of the Lower House

Signed p Order Tho^s Lynn Clk

Adjourned till Monday Morning Nine of the Clock

June 4

Monday Morning 4 June 1739

This house met again according to Adjournment

p. 45

Present

| | | | | |
|-------------------|---|----------------------------------|---|---------------------------------|
| The honourable | { | Benjamin Tasker Esq ^r | { | James Hollyday Esq ^r |
| | | Philip Lee Esq ^r | | Cot Charles Hammond |
| | | George Plater Esq ^r | | Cot Levin Gale |
| | | Edmund Jenings Esq ^r | | James Harris Esq ^r |

A Bill from the Lower house by Mess^{rs} Hanson and Goldsborough Entituled An Act for the Relief of Levin Hill Thomas Gough Ezekiel Orrick Samuel Deavor & Thomas Somes languishing Prisoners in Ann Arundel County Goal, Sarah Butcher a languishing Prisoner in Dorchester County Goal William Bigges a languishing Prisoner in St Marys County Goal James Ranton Peter Hyatt languishing Prisoners in Prince Georges County Goal and William Gibson a languishing Prisoner in Queen Anns County Goal thus Endorsed

By the Lower House of Assembly 2^d June 1739
Read the first time & Ordered to lye on the Table
Signed p Order M Macnemara Ct Lo H.

U. H. J.
No. 734

By the Lower House of Assembly 4 June 1739
Read the second time and will pass
Signed p Order M Macnemara Ct Lo H.

Read the first time in this house & Ordered to lye on the Table
Read the second time the Bill Entituled An Act for laying out and applying a Sum not exceeding two hundred Pounds Current Money to the Uses therein mentioned and the Bill Entituled An Act to cut off the Entail of Part of a Certain Tract of Land called Williams Range in Prince Georges County and to settle other Lands in Lieu thereof, passed and sent by George Plater Esq^r

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Read the second time the Bill Entituled An Act for laying out a new the Town commonly called Snow hill Town in Somerset County, & will pass the following Clause being added thereto, Saving to his most Sacred Majesty his Heirs and Successors, the Right honourable the Lord Proprietary his Heirs and Successors, and to all Bodies Politick and Corporate, and all Other Persons not mentioned in this Act, their Several & respective Rights; sent by Cot Hammond
The following Message is sent by Philip Lee Esq^r

p. 46

By the Upper House of Assembly 4 June 1739
Gentlemen

As the Journals of the Council are now fairly transcribed in Seven Books prepared for that Purpose by the Clerk of this House, We hope he will be allowed a reasonable Satisfaction for the same as agreed to by Both Houses in 1735

Signed p Order John Ross Ct Up H.

A Bill from the Lower House by Mess^{rs} Calder and Sheredine Entituled An Act to raise a Fund to be applyed for the Payment of an Agent and other necessary Uses of this Province thus subscribed

By the Lower House of Assembly 4 June 1739
Read the first and second time by an Especial Order & will pass
Signed p Order M Macnemara Ct Lo H.
and the following Message

U. H. J.
No. 734

By the Lower House of Assembly 4 June 1739

May it please Your Honours

The Arguments used in Your Message of the 31st of May by George Plater Esq^r for not passing the Bill to raise an Annual Revenue for the better Support of his Lordships Government and Governor within this Province serve only to confirm us the more in the Justice of Our Proceeding in this Matter not doubting that if anything better could have been said on that Head, Your Honours could not have been at a Loss to find it out

The Conclusion You draw, from Our declaring Our Intention not to deprive his Lordship of a support of Government, We beg Leave to say will not follow, for that as a Person may possess so may he be deprived of a thing to which he has no Right, which we take to have been his Lordships Case with Regard to the Twelve pence p^p hh^d ever since the year 1733; nor is it from the Repeal of the Law in the Year 1704 by other temporary Laws, that we deny his Lordships Right of levying that Money upon Us but because his Lordship never had any such Right by that Law

Whatever your Honours may think of raising Money on a People by perpetual Laws, We imagine it a Doctrine would sound harsh in the Ears of Our Mother Country and what We in Justice to Ourselves and Our Posterity are resolved, as much as in our Power to avoid

We cannot see that the Application of the Money to be raised as mentioned in the Body of Our Bill can be called new, unless that
p. 47 directed by all the former Acts made for the granting the like Support to his Lordship and his Ancestors can be termed so

However, it seems, this Matter must be determined by a Judge indifferent both to his Lordship and us, and as it cannot be negotiated on Our Part without Money to employ some fit Persons to act in the Countrys behalf, We expect Your Honours Concurrence to the Bill herewith sent for taxing Ourselves for that Purpose lest if that should be refused, the World might say that We are attacked unarmed, and denied the necessary Means of doing Ourselves Justice in a Dispute wherein the most essential Branch of the Privileges and Liberties of British Subjects are in Contest, and of that great Advantage due to his Majestys American Subjects of applying to his sacred Person for Redress and Protection

Signed p^p Order M Macnemara C^t Lo H.

the Bill aforementioned is Read the first time in this house and Ordered to lye on the Table

A Message from the Lower house by Mess^{rs} Colville & [Mr Hall]

By the Lower house of Assembly 4 June 1739

U. H. J.
No. 734

May it please Your Honours

In Answer to your Message of this Day by Philip Lee Esq^r this house have so great a Regard to what Your Honours certify that they assure themselves the Journals of the Council are fairly and justly transcribed by M^r John Ross Clerk of your House and have therefore allowed his Account for transcribing the same

Signed p Order M Macnemara Ct Lo H.

Adjourned till to Morrow Morning Nine of the Clock

Tuesday Morning 5 June 1739

June 5

This house met again according to Adjournment

Present as Yesterday

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This house met again according to Adjournment

Present as in the Morning

Two Engrossed Bills from the Lower House by Mess^{rs} Sheredine & Pearce One Entituled An Act for laying out and applying a Sum not exceeding two hundred Pounds Current money to the uses therein mentioned, the Other Entituled An Act to cut off and barr the Entail of Part of a Certain Tract of Land called Williams Range in Prince Georges County, and to settle other Lands in Lieu thereof thus p. 48 subscribed

5 June 1739

Read and assented to by the Lower house of Assembly

Signed p Order M Macnemara Ct Lo H.

Read the second time the Bill Entituled An Act to raise a Fund to be applied for the Payment of An Agent and other necessary Uses of this Province and will not pass; sent to the Lower House with the following Message by Col Gale

By the Upper House of Assembly 5 June 1739

Gentlemen

As you seem by your Message of the 4th Instant to think that the Arguments in our Message of the 31st of last month Served only to Confirm you the more in the Justice of your Proceeding in that

U. H. J. matter we doubt not you Imputed our making Use of such Argu-
 No. 734 ments rather to our Good nature than our Weakness And therefore
 we might have expected a like Return of Goodness from you in
 pointing out to us particularly what Force those Arguments had to
 perswade you of the Justice of your Proceeding, Especially since by
 that means We might perhaps have been also Convinced of the same
 thing, But as you have not been Pleased to Vouchsafe to us that
 Satisfaction We must Conclude that you are unwilling or Unable to
 sett us right

You indeed deny his Lordships right of Levying money by Vir-
 tue of the Act of 1704 But as we Cannot be convinced barely by the
 Authority of such a Denyall without some Reasons to inforce it we
 are still of Opinion that His Lordship has such Right, by that Law
 of 1704 which-as you very truly Insinuate is not repealed And al-
 though you will not Agree with us as to the right yet you very
 Candidly Admit His Lordship has been in Possession of a Support
 of Government ever since the year 1733 If that is his Lordships
 Case as you say it is, We are at a Loss to know How you can be said
 to be Attacked on the Contrary, not only We, But even you and the
 rest of the World must say That the Government Confessedly in
 Possession of a Support is Attacked in Order to Deprive them
 of it

We should not be less Pleased to be Convinced than to Convince,
 And we are Assured you would not have been at a Loss to show the
 same Terms of appropriation and uses in other Laws as were incerted
 in the Bill for raising and Annual Revenue &c. if there had been any
 such

We must Acknowledge Ourselves greatly Mistaken in what Con-
 cerns His Majestys other Plantations if the Doctrine of Raising
 money by perpetual Laws Is so Harsh as you are Pleased to Repre-
 sent it But the Perpetual Law Amongst Our Neighbours in the
 Colony of Virginia for the Support of that Government the late
 Perpetual Law of 1692 and the Present of 1704 in this Province for
 the same Purpose As also the frequent Royal Instructions requiring
 the same in other Plantations satisfy us that the mention of such
 p. 49 Laws is not only usual to English Ears but Agreeable to His Majestys
 Pleasure

The Bill Intituled an Act to raise a Fund to be Applied for the
 Payment of an Agent and other necessary Uses of this Province
 which you were Pleased to send to us We now return with our
 negative to it, For However necessary and convenient it may be
 that there should be an Agent at the Imperial Seat, or (If we may
 be Permitted to say) at the Court, of Great Britain, yet We cannot
 but think it reasonable and Decent that the Concurrence of the Gov-
 ernor and Upper House should be made necessary in the Nomina-
 tion and Appointment of the Person Designed for that Imployment.

The Agents on Behalf of other Plantations are Generally nominated by the Legislature or Governm^t But This Bill strikes Out of the common Road and by an Unaccountable Piece of Policy not only places the Power of such nomination in certain Persons to be Appointed by the House of Delegates and to be Called Trustees But also gives to such Trustees The sole authority of Paying such Agent so that if This Bill should be passed into a Law such An Agent could not be so properly stiled the Agent of the Province, as the Minister of the Trustees for he must depend on their sole Will and Pleasure for his Being and Continuance in the Agency and on their Generosity for his Pay

U. H. J.
No. 734

As to the Trustees the very nature of their Power would Change their name or Title of Trustees into that of Guardians and what relative Term would best suit not only the Legislative Power but the whole Province to answer that of Guardian We shall not Presume to mention But there might be reason to Wish (If such a Bill should be a Law) That the Conduct of such Trustees represented by their Minister at the Court of Great Britain and not Unarmed (as you are Pleased to Express Yourselves in your Message) with that Fund might not deserve a Worse Character and more to the Reproach of their Constituents and Danger of the whole Province than that of Guardianship Although a Prettier Scheme for Power and Profit in our little World of Politicks could Hardly be thought of yet far be it from us to Imagine that any Persons Either in or out of Your House had any share in this Admirable Project with a View of being Trustees; shoud this Ingenious Contrivance ever take effect the Trustees might play the Game into each others Hands and represent each other in England

The Authority which they would Gain by their Ministers Complaints in England against whatever Person or thing they pleased might very soon become Terrible and Dangerous to every Person they should be Pleased to think and stigmatize as Delinquents or Malig-nants in this Province And when after Glutting their Vanity with a Dictatoriall Power and filling their Pockets with Money under Pre-tence of necessary uses and Purposes, They should Perceive an Ap-proaching Period to their Greatness of Authority and Gain They might by their Ministers Consent Employ their Power and the money Intrusted with them to their own Private Advantage and the very Great Prejudice of this Province Instances of this Kind have not been Wanting in America

We could Suggest many other Reasons Against this Bill But we Doubt not, what we have Already said will be Sufficient to convince you of the necessity and Justice of Our Resolution not to pass it And we are so little Apprehensive of what the World can say to Our Disadvantage in this particular that we shall think it an Honour Done us to Have it known by printing the Bill with this Message

p. 50

U. H. J. That this House with a Firmness becoming an Upper House of
 No. 734 Assembly Rejected A Bill which not only was big with the most
 Dangerous Consequences to every Individual Person in the Province
 And Would render the Government and whole Country Ridiculous
 and Contemptuous in the Eyes of Our neighbours, But also might
 draw a Severe Censure from the Throne for putting One of his
 Majestys Plantations under the Power of Certain Persons called
 Trustees whose Trust was to Survive to Each Other and their
 Persons irremoveable during the Continuance of the Law
 Adjourned till to Morrow Morning nine of the Clock

June 6

Wednesday Morning 6 June 1739

This house met again according to Adjournment

Present as yesterday

Read the second time the Bill Entituled an Act for the Relief of
 Levin Hill Thomas Gough Ezekiel Orrick Samuel Deavor and
 Thomas Somes languishing Prisoners in Ann Arundel County Goal
 Sarah Butcher a languishing Prisoner in Dorchester County Goal
 William Bigges a languishing Prisoner in St. Marys County Goal
 James Ranton Peter Hyatt languishing Prisoners in Prince Georges
 County Goal and William Gibson a languishing Prisoner in Queen
 Anns County Goal, passed and sent by James Hollyday Esq^r

A Message from the Lower House by Mess^{rs} Denton and Courts

By the Lower House of Assembly 6 June 1739

May it please Your Honours

The Justice of Our Proceedings in the Matter mentioned in Our
 Message of the 4th Instant, we hope speaks it self, and the Observa-
 tion you make with Regard to your Arguments against passing the
 Bill for support of Government seems to us too ludicrous for a Sub-
 ject of so great Importance, and calculated with the rest of your Mes-
 sage rather to display a Peice of Wit, than to bring that Affair to
 an amicable Conclusion

We cannot think his Lordship much obliged to you for your
 Opinion that he has a Right to levy Money on Us, merely because we
 had not shewn Reasons for denying it, even if that was the Case,
 we presume an indifferent Judge would expect him to shew a Reason
 for doing it.

p. 51 The Attack you suppose on the Government, in Order to deprive
 them of a support they are in Possession of, is a Peice with the rest
 of Your Message, if in private Life One Man violently took anothers
 money from him, the Party wronged would be scarcely called the
 Aggressor for endeavoring to recover it, or prevent his doing so
 again: But perhaps in the Logick of an Upper House, as well as

some where else, the Case of a Proprietary alters the nature of things, and makes that just in the Lord, which would be very unlawful in the Tenant U. H. J.
No. 734

We are as little surprized at your Negative to the Bill for Payment of an Agent, as at Your Happiness in finding so proper a Definition for a Minister. However as you desire Your Reason for not assenting to be made Publick, We hope you'll not take it amiss, if we set it in its proper Light, and so the meanest Capacity may be able to judge of it.

The People of Maryland thinks the Proprietary takes Money from them unlawfully.

The Proprietary says he has a Right to take that Money.

This Matter must be determined by his Majesty who is indifferent to both.

The Proprietary is at home, and has this same Money to enable him to negotiate the Affair on his Part.

The People have no way of negotiating it on their Part but by employing fit Persons in London to act for them, and those Persons must be paid for their trouble, and propose a Bill for raising a Fund to that Purpose.

The Upper House tells us, you shall not have that Bill, unless you let the Governor and Us, or rather the Proprietary (with whom We contest) have as well the Nomination of the Persons to be made Use of on this Occasion, as to determine what, or if any thing, shall be paid them for their Trouble.

The Reproach not only on this House but on all the Province couched under the Word, Relative, to a Guardian, should We assure you have been answered in Terms it deserved, were it not, that We are fully determined, Nothing you can say or do, shall draw Us into anything may give you the least Pretence for a Rupture, which might prevent the Execution of the Publick Business, and prove an intolerable Charge to the People.

The Possibility you mention of the Trustees betraying the Trust reposed in them, will have very little Weight with the World, since the like supposition may with equal Propriety, be applied to all Trusts of the Kind: Unless you would have us believe your Honours to be the only infallible Persons in the World, and so commit this Guardianship you speak of to your selves, but how convenient that might be for the People whoever reads your Message may easily judge. p. 52

We cannot help thinking that the denying this looks too much like an Unwillingness to have the Matter in Dispute brought to Light however We shall give you no further Trouble in it, than to tell you, the People of Maryland have Spirit enough, and We hope will find means, without this Bill, to do themselves Justice.

Signed p Order W^m Ghiselin Ct Assist^t to Lo. Ho.

U. H. J. M^{rs} Denton and Harris from the Lower House acquaint his Ex-
No. 734 cellency that their House hath made Choice of M^r William Ghiselin
to be Clerk Assistant to the Clk of the Lower House of Assembly,
in the Absence of M^r Michael Macnemara, to whom His Excellency
is pleased to declare that he doth approve of him the said William
Ghiselin as Clk Assistant to the Clk of the Lower House

Mess^{rs} Denton and Harris from the Lower house attend with
M^r William Ghiselin Clerk Assistant to the clk. of the said House
in Order to see him qualified who takes the Oaths to the Government
appointed to be taken by Act of Assembly and subscribes the Abjura-
tion and Test according to the Directions of the said Act then with-
drew, and also takes the usual Oath of Office and then withdrew

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This house met again according to Adjournment

Present as in the Morning

An Engrossed Bill from the Lower house by Mess^{rs} Henry and
Gale Entituled An Act for laying out the Town a new commonly
called Snowhill Town in Somerset County thus subscribed

6th June 1739

Read and assented to by the Lower House of Assembly

Signed p Order W^m Ghiselin Cl Ass^t to clk of Lo. H.

Read the first time the Bill prepared in this House Entituled An
Act concerning the building a Dwelling house Out houses and
Other Conveniencies for a Governor Ordered to lye upon the Table
Adjourned till to Morrow Morning nine of the Clock

June 7 Thursday Morning 7 June 1739

This house met again according to Adjournment

Present as yesterday with the Addition of Col Ward except Col
Hammond

A Message from the Lower House by Mess^{rs} King and Wootton

By the Lower House of Assembly 7 June 1739.

p. 53 May it please Your Honours

There being before this house but little Business and several
ingross'd Bills with the Paper ones being before Your House and
many of them having lain there for a considerable time We desire
Your Honours will send down the Paper Bills in the usual Manner

in Order that the further necessary Steps may be taken to bring this Session to a Conclusion

U. H. J.
No. 734

Signed p Order W^m Ghiselin Ct Ass^t to Ct Lo H.

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Read the second time the Bill Entituled An Act concerning the building a Dwelling house Out houses and other Conveniences for a Governor; passed and sent by Philip Lee Esq^r

An Engrossed Bill from the Lower House by Mess^{rs} Wootton and Hall Entituled An Act for the Relief of Levin Hall Thomas Gough Ezekiel Orrick Samuel Deavor and Thomas Somes languishing Prisoners in Ann Arundel County Goal Sarah Butcher a languishing Prisoner in Dorchester County Goal William Bigges a languishing Prisoner in St. Marys County Goal James Ranton Peter Hyatt languishing Prisoners in Prince Georges County Goal and William Gibson a languishing Prisoner in Queen Anns County Goal thus subscribed

7 June 1739

Read and Assented to by the Lower House of Assembly

Signed p Order W^m Ghiselin Ct Ass^t to Ct Lo H.

Adjourned till to Morrow Morning Nine of the Clock

Friday Morning 8 June 1739,

June 8

Thos House met again according to Adjournment

Present as Yesterday with the Addition of Col Hammond

The following Message is sent to the Lower House by Benjamin Tasker Esq^r

By the Upper House of Assembly 8th June 1739
Gentlemen

In Our Message of the 31st of May we endeavoured to satisfy you of the Reasonableness of Our Refusal to pass the Bill for raising an Annual Revenue for the better Support of his Lordships Government and Governor within this Province by the same Arguments, which perswaded Us to that Refusal; In answer to this, you by a Message on the 4th Instant very shortly tell us that "Those Arguments served only to confirm you the more in the Justice of Your

U. H. J. Proceedings” This Manner of answering without any Reasons
 No. 734 to shew the Weakness of Our Arguments we took Notice of in Our Message of the 5th Instant and there mentioned Our Expectation, “that you would have pointed out to Us particularly what force those Arguments had to perswade you of the Justice of Your Proceeding” To this by Your Message of yesterday you with the same Conciseness as before say, that the Justice of Your Proceedings you hope speaks it self, And then you add that The Observation We made with Regard to Our Arguments against passing the Bill for Support of Government seemed to you too ludicrous for a Subject of so great Importance and calculated with the rest of Our Message rather to display a Peice of Wit than to bring that Affair to an amicable Conclusion”

We must own Ourselves very much at a Loss how to come to a Right Understanding of any Subject upon which We may be so unhappy as to differ from your House in opinion, If Your Behaviour in this Matter has been right and proper, and Ours wrong and impertinent; for thus it shortly stands We offer Arguments for Our Opinion you tell us, those Arguments confirm you the more in a contrary Opinion, We intimate Our Expectation of being informed how you apprehended those Arguments turned against Us, and confirmed Your own Opinion, to this you only say, The Justice of Your Proceeding speaks it Self and that Our Observations are ludicrous or witty, this surely cannot be termed Reason and a Proper Method to reconcile Our Differences in Judgment

However little obliged to us his Lordship might think himself by Our Opinion of his Right of levying Money merely because you had not shewn Reasons for denying it; we think you had no Room to insinuate Our Opinion was grounded merely on Want of Reasons from you for your Denyal: Be pleased to recollect, that we found Our Opinion of his Lordships Right, on the Act of 1704 You instead of offering any Arguments to us against that Law barely tell us in your Message of the 4th Instant, that you deny his Lordships Right of levying that money because his Lordship never had any such Right by such Law, which is just the same thing, as if you had said, that his Lordship had not the Right because he had not the Right And are We not then well justified in saying upon this Point that We could not be convinced barely by the Authority of such a Denyal without some Reasons to inforce it

If that Part of Our Message which mentions an Attack on the Government in Order to deprive them of a support they are in Possession of, is, as well as that Part supported by Reason, And then
 p. 55 the Argument is very short; you expressly confess in your Message of the 4th Instant that, His Lordship has been in Possession of the Support of Government ever since the Year 1733” It is very manifest, you now endeavour to deprive him of it; And pray may not that Per-

son be with the Greatest Propriety said to be attacked, who is in Possession and attempted to be thrown out or deprived of that Possession: The Case put by you, of One Man violently taking anothers Money &c We presume is designed as a Point of Law, and not as a Matter pertinent to the Dispute between Us; for We cannot by any Means agree that the Fact is as you have stated it in that Paragraph, We say his Lordship has a Right to the 12^d pth hth by Virtue of the Law of 1704 and at the same time give Our Reasons for not passing the Revenue Bill, you deny such Right and give no Reasons for maintaining the Reasonableness of the Revenue Bill, and yet seem angry that We do not concur with you; But if You are desirous of having Our Opinion on the Point of Law, We may venture to say, there may be a Possession which some Persons may think fit to call tortious, and yet Methods may be pursued to take away that Possession which would make the Persons taking such Methods Aggressors in the Eye of the Law: As perhaps neither House has much Reason to boast of their Art of Ratiocination by the Rules of Logick, We shall not contend with you for Superiority in that Part of Learning

U. H. J.
No. 734

As you was not surprized at Our Negative to the Bill for Payment of an Agent We presume that you were conscious such a Bill could not be expected in Reason or Justice to have a Passage in this house; And We declare that We cannot with Candor assume to Ourselves the whole Glory of using the word Minister, since the Agent described in that Bill very readily and naturally, suggested to us the Idea of a Minister as mentioned in our message

You endeavour to state a Case as plausibly as you can for the Consideration of the Publick, but if you will be so candid as to allow the Upper House capable of being actuated by any Principles of Honour Justice and Reason in matters where his Lordship is concerned, Your whole Reasoning falls to the Ground, nor have We as yet denied a Passage to any other Bill for an Agent but that One in the shape you sent it Up to Us

You affirm that this House told you, you should not have that Bill unless you let the Governor and Us have as well the nomination of the Persons to be made use of on this Occasion as to determine what should be paid them for their Trouble

We are really astonished and truely concerned that any Warmth should have transported you to that Assertion; All that we contended for was, a joint Nomination with you as in other Governments; These are Our Words, "that the Concurrence of the Governor and Upper House should be made necessary in the Nomination and Appointment of the Person designed for that Employment, And that the Agents on behalf of other Plantations are generally nominated by the Legislature or Government" And surely there may be such a Person found as to be unexceptionable in the Judgment of Every

p. 56

U. H. J. part of the Legislature and Very proper for the Trust by that Bill
No. 734 to be reposed in him

As to the Reproach you mention to be not only on your House but on all the Province, We can with the greatest Truth in the most solemn Manner assure you, It was so far from Our Intentions to couch any Reproach either on Your house or this Province under the Words Relative to a Guardian, That One of Our Reasons for rejecting that Bill was, lest the whole legislative Power and the Province should be reproached with that relative Word by the passing that Bill into a Law; And therefore if any Reproach could possibly arise from any Parts of that Bill, It ought not to be imputed to this House, which neither formed or passed that Bill but rejected it

We cannot believe the World will be so easily imposed on as you imagine It is very certain the bare Possibility of betraying a Trust ought to have little weight against committing a Trust; but it is not less certain that it is the Height of Imprudence to intrust any Person with such an Authority and Fund of Money as may tempt and enable them to betray that Trust; And that the World may clearly see what we objected to the Bill on this head, We must take the Liberty of mentioning some Parts of the Bill, which in One Part of it directs; "that Mr Hyde (in whose Hands the Money is to be lodged) shall pay such Money to such Person or Persons, as the Trustees so to be appointed as aforesaid or the Survivor or Survivors of them shall by Writing under their Hands order and direct the same and not otherwise" And then the last Clause is in these Words Viz. And Be it further Enacted by the Authority af^d that the money arising by the Duty af^d shall be applyed towards the Payment of an Agent to be employed for this Province to reside at London in Great Britain and to such other Uses & Purposes as shall be from time to time thought necessary by the Trustees af^d or the Survivors of them and Not otherwise

Now let us consider the Duration Power and Temptations which the Trustees must have had under such a Law First as to their Duration; We say they could not have been removed from the Trusteeship during the Continuance of that Law; for after the speaker
P. 57 had once executed his Authority of signifying under his Hand the Appointment of the Trustees, there could not be another Appointment before all the Trustees should be dead because the other Parts and the Last Clause of the Bill Expressly directs the Trust to be Executed by the Survivors or Survivor, Secondly as to their power it is without Bounds They might have done either as much or as little as they Pleased nor is there One thing taken notice of in the Bill as the Proper Business of the Trustees except Fingering the money and making Some Application of it (but how much is not mentioned) towards Payment of an Agent so that one would be Apt to imagine This Bill had been Calculated principally to Gratify these same Trustees

Thirdly let us Examine how they might Compliment each other out of this Fund without ever being Accountable for any Imbezzlement or Misapplication. The Six Pence p hhd intended to be raised by this Bill may be Calculated to amount Communibus Annis to 700 £ Sterling p annum The Sallary formerly allowed by this Province to an Agent Used to be 100 £ sterling p Annum but suppose this to be increased to 150 £ or 200 £ Sterling p Annum there would then remain 500 £ or 600 £ Sterling p Annum and in the whole three years 1500 or 1800 £ Sterling in their Hands or Power which they might dispose of to such Uses and Purposes as they might from time to time think necessary so that Whether they Applied it to the Use and Service of the Province or to their own use which they might Judge necessary They could not be Accountable for more than they might think fit to Give their Agent For if they should have been Questioned upon Laying their Account before the House of Delegates what they had done with the Money they might truly say that the Law was very Express that they should have Liberty of Applying the Money to such uses and Purposes as they Judged Necessary which they had Accordingly done and that they and none other were the Proper Judges of the Necessity of such Uses and Purposes Besides the Bill is so drawn in other Parts which relates to the Accounting That by no Rules of Construction the Trustees could have been Answerable for that money But what we have said is Sufficient for the Present purpose

U. H. J.
No. 724

Hence you and the rest of the World may now Judge who Acted with a Proper Care in the Disposall of the Countrys Money you who Voted for so large a Sterling Sum Annually as 500 or 600 £ Sterling p Annum for the three Years to be disposed of by certain Persons called Trustees as they should think fit or We who neither then Would nor now will concur in such a Vote and it would have been more than probable if that Bill had Passed into a Law that the People would very soon have had Cause to Acknowledge it could not have been more Inconvenient to Commit this Trusteeship or Guardianship (If you would have it so) to any Gentleman in our House than to some Person out of it And we wish that Opinion of Infallibility you mention was as far from Your House as it is from ours

However we cannot be mistaken in this That such a Bill not to be found in any English Government And which If it had Passed into a Law would have had the Effects we before mentioned of Establishing a new and dangerous Power amongst ourselves making the Whole Province ridiculous to our neighbours and the Risque of Incurring his Majestys Displeasure

p. 58

Your Message of the 6th Instant would not have been less Decent if the Extraordinary threat of the People doing themselves Justice Had been Omitted Whatever you may be pleased to Suggest to your

U. H. J. selves or others We can never be so Insensible of any Hardships or
 No. 734 difficulties the People of Maryland may have Just Cause to Complain
 of As not to joyn Chearfully in Proper Methods for their Redress
 and Ease and procuring Justice to be done them but we may pre-
 sume to say that the Language of doing themselves Justice Cannot
 be Consistent with their Subjection and Obedience due to his
 Majesty who makes the Laws the Rule of his Actions and will expect
 and exact from his Subjects that their Actions also should be Con-
 formable to those Laws

To conclude We Hope the World (which has been so much talkt
 of in this Debate) will have an Opportunity of seing this Message
 together with the Bill and the others on the same Subject

Signed p Order John Ross Cl Up H.

Col^o Gale from the Committee to inspect the Accounts and Pro-
 ceedings of the Commissioners of the Paper Currency Office brings
 in the following Report

At a Committee of both Houses appointed to inspect the Office and
 Proceedings of the Commissioners for Emitting the paper money in
 Maryland May the 25th 1739

Present

The Honble Levin Gale Esq^r Of the Upper House

| | | |
|------------------------|-----------------------------|-------------------------|
| Captain Trippe | M ^r Edward Lloyd | } Of the Lower House |
| M ^r Moale | Captain Caswell | |
| M ^r Colvill | M ^r Rumsey | |

Who make Choice of the hoñble Gale Esq^r Chairman and Thomas
 Lynn Clk

And Agree to make the following Report viz.

Your Committee have carefully Inspected the State of the Office
 for Emitting the Paper money and find the same in Good order and
 that the Commissioners or Trustees continue to discharge their
 duty

p. 59 That on Inspecting the Books and Accounts of the said Commis-
 sioners Your Committee find that the Accounts were not Closed by
 the Commissioners on their Book at the Time of their Reports made
 by any of your former Committees and therefore have now Stated
 a General Account in relation to the said Office from the beginning
 by their Books Produced to us until the 12th day of April last being
 the date we find the last Article of the Debit of Iron Chest which
 Account is hereunto Annexed

That twenty five Books of blank Bills have since that been remitted
 to the said Commissioners from England in Order to renew and
 make good the Torn and defaced Bills as the said Commissioners
 inform us which Books are not Examined nor Perfected by the Com-
 missioners but are said to Contain as follows viz.

| | | |
|-------------------------------|---------------------|----------|
| 3 Books of 20/bills 1250 Each | £3750.—.— | U. H. J. |
| 3 ditto 15/bills 1250 Each | 2812..10.— | No. 734 |
| 3 ditto 10/bills 1250 Each | 1875.—.— | |
| 4 ditto 5/bills 1250 Each | 1250.—.— | |
| 4 ditto 2/6 bills 1250 Each | 625.—.— | |
| 4 ditto 1/6 bills 1250 Each | 375.—.— | |
| 4 ditto 1/bills 1250 Each | 250.—.— | |
| | <u>£10937..10.—</u> | |

Your Committee Observe it is necessary that the Commissioners for the future should distinguish the Profit or Interest received on Loans by a Particular Account in their Books from the Principal Sums received in and that they should close or Cast up the same Book in readiness Against every Assembly which will give great Ease and dispatch to your future Committees as well as Satisfaction to the Commissioners themselves all which has been recommended to the Commissioners and is humbly Submitted to the Consideration of both Houses of Assembly by

Levin Gale John Moale Richard Caswell
Henry Trippe Thomas Collvill William Rumsey

D^r The Office for Emitting the Paper Money of Maryland To the Twelfth day of April 1739 Inclusive

| | | | |
|--------------------|--|---------------------|-------|
| 1735 } 26 Nov } | To Sundry Bills received from England amounting to | £8990.—.— | |
| | To money paid into the Office by Col ^o Young | 943..10.. 6 | |
| | To Ditto for non Burners | 848.. 5.. 6 | |
| | To Money paid into the Office Principal to the 12 th April 1739 Inclusive | 5865.—.— | |
| 1737 } 19 Mar } | To Interest received on Loans | 904..10.. 6 | |
| | To Money paid into the Office by James Hollyday Esq ^r Treasurer of the Eastern Shore by Virtue of an Act of Assembly made in 1734 | 264.. 6.— | |
| 15 Oct. | To Ditto by Charles Hammond Esq ^r Treasurer of the Western Shore by Virtue of An Act of Assembly made in March 1734 | 479.. 2.— | p. 60 |
| | To Ditto by D ^o in Pursuance of An Act of Assembly made in August Session 1737 | 229..11.— | |
| Oct. 22. | To Ditto by James Holliday Esq ^r in Pur- suance of an Act of Assembly made in August Session 1737 | 136..18.— | |
| 3 Mar. | To Ditto by Charles Hammond Esq ^r in Pursuance of an Act of Assembly made in August Session 1737 | 1425..17..5 | |
| | | <u>101087.—..11</u> | |

U. H. J. C^r

No. 734

| | |
|--|----------------|
| By money sent to the several Counties to discharge the 30/p Taxable | 47923..10.— |
| By money to the Several Burners | 1494.. 4.. 6 |
| By Money Expended on the Necessary Charges of Office as p Particular Account annexed | 142.. 4.. 7 |
| By Money to the Commissioners and Clerks for Sallaries | 1783.. 7.— |
| By Money paid Patrick Creagh for building the Office Including the £ 30 for Bricks | 587.. 9.— |
| By money lent on Security | 25592..10.— |
| By Money paid his Excellency Samuel Ogle Esq ^r towards building the Governors House | 652.. 1.. 8 |
| By Money paid the Trustees for Repairing the publick Buildings | 341..12.— |
| By Money lent the Country in pursuance of an Act of Assembly made in 1734 with Commission thereon | 1686..12.. 6 |
| By Money lent the Country in Pursuance of an Act of Assembly made in 1736 with Commission thereon | 3338..15..10 |
| By Money lent the Country in Pursuance of an Act of Assembly made in August 1737 with Commission thereon | 4327..16.. 6 |
| By Money Sent to Saint Marys, Charles, Somerset & Baltimore Countys for Building Goals | 2000.—..— |
| By Ditto for building the Publick Goal at Annapolis | 1000.—..— |
| | <hr/> |
| By Ballance remaining in the Office coin'd & Un-coined | £90920.. 9.. 7 |
| | 10166..11.. 4 |
| | <hr/> |
| | £101087.—..11 |
| | <hr/> |

Memorandum

| | |
|--------------------------------------|--------------|
| Due to the Publick Goal at Annapolis | £500 |
| To Several County for Goals | 3500 |
| To the Governors House | 2347..18.. 4 |
| To the Publick Buildings | 158.. 8.— |
| | <hr/> |
| | 6506.. 6.. 4 |
| Remains in the Office Unapplied | 3660.. 5 |
| | <hr/> |

£10166..11.. 4

Whereof One Book containing 1250 bills of 20/ each is said to be Spoiled by Indenting them with an Engine

U.H.J.
No. 734

The Particular Account of the Necessary Charges of the Office p. 61

| | | | |
|------|-----------------------|---|--|
| 1734 | | | |
| June | 19. | To George Fox for Smiths Work | £1.. 7.— |
| | | To Daniel Dulany Esq ^r for Opinion | 1.— |
| | | To John Smith for Carpenters Work | 6.. 9.. 6 |
| | | To Samuel Minskie for Smiths Work | 6.. 3.. 6 |
| | | To John Brice p order Edmund Jenings } Esq ^r for a Book | 3.. |
| July | 4. | To Captain John Carpenter for Primage | 15.—.— |
| | 5 | To Bringing Paper from Wye | 1.—.— |
| | 12. | To Amos Woodward | 3.. 5.— |
| | 23 | To Humphry Meredith | —..10.— |
| | 24 | To William Parks for Books | 9.. 4.— |
| Oct. | 24 | To Patrick Creagh for Iron Work | 2.. 3.— |
| | | To Captain Skeet for Primage | 7.—.— |
| Jan. | 29. | To Vachel Denton for Sundry necessarys for the Office | 4.. 4.— |
| | | To Portorage of Box | —.. 1.— |
| 1735 | Nov ^r 13 } | To Captain Jermegan Biggs for Primage | 10.—.— |
| | | To Minskies Ingine | 4.—.— |
| Jan. | 21 | To Joseph Evett for Work | 3.—.— |
| | | To John Carpenter | 1.—.— |
| | | To Doctor Charles Carroll | —.. 3.. 7 |
| 1736 | Mar. 27 } | To Col ^o Young for Wood | —..10.— |
| July | | 22. | To Captain John Carpenter for Primage |
| | 23. | To Michael Macnemara for Locks & Chairs | 39.. 3.— |
| | | To Moving Iron Chest | —.. 5.— |
| 1737 | Mar. 28 } | To Humphry Meredith for Wood | 2.. 8.— |
| | | To Thomas Rutland for ditto | 1..12.— |
| 1738 | April 7 } | To Vachel Denton for Packthread &c | 1.. 1.— |
| | | 23 | To Michael Macnemara for Cleaning the Office & other Services |
| Feb: | | To Richard Burk for Wood | —..15.— |
| 1739 | March 25 } | To Michael Macnemara for Cleaning the Office | 8.—.— |
| | | | |
| | | | £142.. 4.. 7 |

Adjourned till two of the Clock in the Afternoon

U. H. J.
No. 734

Eodem Die post Meridiem

This House Met again According to Adjournment

Present as in the Morning

The Bill prepared in this house Entituled An Act concerning the building a Dwelling house Out houses and other Conveniences for a Governor is brought from the Lower House by M^{rs} Moale & [Gassaway] thus Endorsed

p. 62

By the Lower House of Assembly 7 June 1739

Read the first time and Ordered to lye on the Table

Signed p Order W^m Ghiselin C^t Ass^t to C^t Lo H.

By the Lower House of Assembly 8 June 1739

Read the second time by Especial Order and will pass

Signed p Order W^m Ghiselin C^t Ass^t to C^t Lo. H.

Read in this House and passed for Engrossing

The following Message is sent to the Lower [House] by Col Gale

By the Upper House of Assembly 8 June 1739

Gentlemen

As We perceive by your Message of the 7th Instant that by the little Business now before Your House a Conclusion of Our Present sitting is near; We cannot consistently with the Care We ought to have for the Honour and Safety of this One of his Majestys Provinces, and the tender Regard We sincerely have for the Happiness and Ease of the People, delay any longer mentioning to you, that We do not find amongst the several ingrossed and Paper Bills now lying upon Our Table, any Bills reviving the Act Entituled An Act for raising three Pence p hh^d on all Tobacco to be exported for purchasing Arms and Ammunition for the Defence of this Province; the Act Entituled An Act for the Tryal of all Matters of fact in the Counties where they have arisen or shall arise, nor the Act Entituled an Act concerning Ordinaries and for the better regulating of Innholders and Ordinary Keepers within this Province

The first nearly concerns the Honour and Preservation of this Part of his Majestys Dominions especially at this time of Uncertainty whether there will be War or Peace in Europe; the other Two (We are sufficiently convinced) are greatly desired and almost Universally thought by the Inhabitants of this Province as proper and even necessary for their Ease Benefit and Happiness: By these Considerations We are obliged to acquaint you very plainly, that We shall as a Council of State advise his Excellency not to pass any Bill into

a Law, which by making this Meeting a Session may determine those Laws so useful and necessary to the Province; And therefore We hope you will take the Revival of those Laws under Your Consideration and give them such Dispatch, as a Session may be forthwith made to Our Mutual Satisfaction and Benefit

U. H. J.
No. 734

As We conceive his Excellencys Justice and Good Conduct have been as well manifested lately as formerly, and that the Encouragement to Learning is as Necessary now as heretofore, We cannot omit putting you in Mind of sending us a Bill to continue the Law that raises $1\frac{1}{2}$ p hh^d on Tobacco for the use of His Excellency and the like Sum for the supporting Publick Schools in Each County which will otherwise expire in September next

p. 63

Signed p Order John Ross Ct Up H.

Adjourned till to Morrow Morning nine of the Clock

Saturday Morning 9th June 1739

June 9

This house met again according to Adjournment

Present as yesterday

The Journal of the Committee of Accounts is brought from the Lower House by Mess^{rs} King and Sheredine thus subscribed

8 June 1739

Read and assented to by the Lower house of Assembly

Signed p Order W^m Ghiselin Ct Ass^t to Ct Lo H.

the Several Engrossed Bills that have passed the Lower House this Session, and brought up to this House are ordered to be thus subscribed

Read and assented to by the Upper House of Assembly

Signed p Order John Ross Ct Up H

the several Paper Bills so Endorsed are sent to the Lower House; Part by Col Gale and Part by James Hollyday Esq^r.

An Engrossed Bill from the Lower House by Mess^{rs} Weemes & Hall Entituled an Act empowering the three Commissioners therein named together with the Justices of Calvert County to repair the Court house of that County by an Assesment on the Inhabitants thereof thus subscribed

9 June 1739

Read and assented to by the Lower House of Assembly

Signed p Order W^m Ghiselin Ct Ass^t to Ct Lo H.

U. H. J. Read and assented to by this House and ordered to be so sub-
 No. 734 scribed the Paper Bill so endorsed is sent to the Lower House by
 James Hollyday Esq^r

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Read the Petition of Michael Taylor a languishing Prisoner in
 Prince Georges County Goal and Rejected

A Message from the Lower House by Mess^{rs} Moale and Hall

By the Lower House of Assembly 9 June 1739

May it please Your Honours

p. 64 If the Honour and Preservation of this Part of his Majestys
 Dominion be so nearly concerned (as you are pleased to say) in the
 Act for raising Three Pence p hogshead on all Tobacco exported
 we cannot well see how those who have had the Disposition of the
 Money hitherto raised to that Use can acquit themselves for not
 applying it to the Purposes for which it was raised

The Uncertainty whether Peace or War in Europe having sub-
 sisted for some time, And there now being the Sum of £2250: 11: 2
 Sterling & £ 34: 13: 7 $\frac{3}{4}$ Current Gold in Bank arising from that Duty
 besides upwards of £2500 Sterling unaccounted for in any Manner;
 We have, as we think, justly concluded, that his Excellency and Your
 Honours have been of Opinion, either that Arms & Ammunition
 were useless to the Province, or that there is a sufficient Stock already
 provided, otherwise that you would never have neglected so essential
 a Part of Your Duty as is the Care of and laying out that Money,
 had you thought it necessary for the Safety of the People, Wherefore,
 until that Money is accounted for, and that in Bank laid out that we
 may then judge what more Arms or Ammunition may be wanting.
 And further that inasmuch as His Lordship hath possessed himself
 of a considerable annual Sum amounting to at least £2200 Sterling
 arising on the shipping trading into, and Staple Export of this Prov-
 ince, without any Law that appears to Us to levy the same, and which,
 were it legal to raise, was intended to support the Government here,
 and particularly to supply a Magazine with Arms and Ammunition,
 we do not think the Revival of that Law at present necessary

We never heard, unless from Your Honours by Your Message
 of Yesterday, that the Act concerning Ordinaries is greatly desired
 or thought proper or necessary to the Ease and Happiness of the
 Province: We have on the contrary known it much complained of,
 and that no Part of it has been put in Execution except the Payment

of Fines and Fees arising on Licenses, which being of no Benefit to the Province We do not think it necessary to revive that Law

U. H. J.
No. 734

As We had sent a new Bill to Your House this Session for Tryal of all Matters of fact in the Counties where they arise very near the same in Substance with the former, Save Some few Alterations which were from Experience found necessary; and One Paragraph changed which by a late mistaken Construction put upon that in the former Law was and yet is thought very dangerous to continue, And as we had that new Bill returned with Your Negative thereon, we wonder you should now charge Us with the Omission of a Bill so useful in it self and so much desired by the People, when the reall Cause of its not being carried into a Law proceeds from Your Honours positive Refusal to pass it in your House, nor do we think the Revival of the other Law mentioned in Your Message to be necessary

What Influence Your Honours Advice may have on his Excellency, we cannot say, but conceive the Representatives of a free People have a Right to consider of the Necessity of Taxes and from thence alone impose them, and not be threatened into it as we seem plainly to be by your Message of yesterday by Co^t Gale

Signed p Order W^m Ghiselin Ct Ass^t to Ct Lo H.

Adjourned until Monday Morning Nine of the Clock

Monday Morning 11 June 1739

June 11

This House met again according to Adjournment

Present

| | | |
|----------------|------------------------------------|---------------------------------|
| The honourable | { Benjamin Tasker Esq ^r | James Hollyday Esq ^r |
| | { Philip Lee Esq ^r | Co ^t Charles Hammond |
| | { George Plater Esq ^r | Co ^t Levin Gale |
| | { Edmund Jenings Esq ^r | James Harris Esq ^r |

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

A Message from the Lower House by Mess^{rs} Moale and Sprigg

By the Lower House of Assembly 11 June 1739

May it please Your Honours

There being no Business before this House We hope Your Honours will send down the Journal of Accounts in Order to close this Session this Day

Signed p Order W^m Ghiselin Ct Ass^t to Ct Lo H.

U. H. J. The following Message is sent to the Lower House by Edmund
No. 734 Jennings Esq^r

By the Upper House of Assembly 11 June 1739

Gentlemen

The first Reason you are pleased to give in Your Message of the 9th Instant for not reviving the Act for Arms and Ammunition, is, that the Money now in Bank amounting to £ 2250^l. 11^s. 2^d Sterling and £34 : 13 : 7³/₄ Current Gold has not been applyed to the Purposes for which it was raised; But when you consider that at this Juncture a
p. 66 considerable additional Supply of Arms and Ammunition is necessary that that Sum in Bank cannot be supposed sufficient upon any sudden necessity, and that it is not so easy and practicable to raise Money upon an Emergency, as to apply and dispose of Money for the proper Purposes on such Emergency, that Reason can be of little Weight; And it would be much more reasonable to object to Persons intrusted with the Management and Disposal of Money for Arms and Ammunition, that they purchased such Arms & Ammunition so long before immediate Emergency required, that such Arms & Ammunition were spoiled, than that they faithfully kept that money in Bank in order to lay it out, when the sudden Circumstances of the Province absolutely required it, and a Greater Use and Benefit might arise therefrom to the Province.

The next thing You mention is a Sum of £2500 Sterling unaccounted for in any Manner; this carrys the Appearance of so heinous a Charge not only against the Governor but Our selves, that We are obliged to call upon you in the most publick Manner to particularize the Treasurers Account upon which such a Deficiency arises, and when it happened; As for Our Parts We are so far from being conscious of any such Misapplication or Fraud in the Disposal of the Publick Money committed to Our Trust, that We are not unwilling or afraid to have Our Conduct examined in the strictest Manner, and therefore with Justice we expect you will set this Matter in a proper Light: It is very true, there were formerly Insinuations of some Misapplications to have been made of the money on this Fund above Eighteen Years ago; but it is equally true that former Assemblies were upon Enquiry very well satisfied in their Doubts on this Head, and of this Truth some of the Members now in Your House (if We are not very much misinform'd) can give undoubted Testimony: And further the Accounts relating to this Fund were always from time to time laid before and past the Examination and Approbation of Both Houses

As to the £2200 Suggested by you to be possessed by His Lordship without any Law to levy the same, We can with the greatest Truth assure You, We neither know or believe any such thing, or that any Money intended to supply the Magazine with Arms and

Ammunition has been withheld from such Uses and Purposes by his Lordship

U. H. J.
No. 734

We must acknowledge Ourselves very much Misinformed and Mistaken, if the Act concerning Ordinaries is not greatly desired or thought proper for the Ease and Happiness of the Province; The Observation You make of its being much complained of reaches p. 67 very frequently the best Laws, and the most desireable frequently have not their designed Effect by an ill Execution of them but surely that can be no Objection to the Law; It may be a very good Reason for the Legislators to make such further Provision as may be necessary and more effectual for the due Execution of it, thô not to lay the Law entirely aside

The Excuse you endeavour to make for not reviving the Assize Law, will not perhaps suit the Purpose it is designed for so well as you imagine; for what you say amounts to this, that you sent up a Bill to this House with some Alterations different from the former Law, which this House thinking not fit to pass, you determined that the Country should rather be without an Assize Law than have the Old One; but by the Ease and Conveniency which the Inhabitants have by the Assize Law, We judge that Law is greatly wished and desired, and therefore We should be much wanting in Our good Will to the People, if We took any Step at this Juncture to destroy it

Let the Consequence and Influence of Our Advice as a Council of State to his Excellency be what it will, yet We apprehend our candid Mention of what such Advice would be by Our present Proceedings and State of the Country deserved a different Notice from that you are pleased to take of it in the latter Part of Your Message; We on your Mention of the approaching Close of this Convention or Session (as it may happen) considering what had been transacted or omitted by the Two Houses, very soon found that all the Bills which had passed the Two Houses except One Bill for Encouragement of making Linnen Cloth were either of a Private Nature or revived Laws, which would otherwise continue if this Meeting should not be a session, therefore this House then concluded, and We are still of the same Opinion that it is either necessary to revive the Laws mentioned in Our Message of the 8th Instant, or expedient not to make this Meeting a Session; lest by that Means & for the sake of having that One publick Law, we should be deprived of so many others of much greater Consequence to the Country; This We acquainted you with, & in Return you look upon it as threatening you

Freedom, Gentlemen, is so dear and valuable to Ourselves, that we shall always preserve a just Regard to the Representatives of a free People, And we cannot comprehend How your Right of considering the Necessity of Taxes & imposing them is the least infringed by Our Hopes that you would consider the Necessity of reviving some Laws which raise Money, and by laying before you

U. H. J. the Mischiefs which might arise to the Country for Want of such
 No. 734 Revival, unless it is contrary to the nature of Freedom or below the
 p. 68 Dignity of the Representatives of a free People to receive any In-
 formation of what may in all Likelihood prove prejudicial to their
 Constituents

Signed p Order John Ross Ct Up H.

The following Message with the Journal of the Committee of
 Accounts thus subscribed is sent to the Lower House by George
 Plater Esq^r

By the Upper House of Assembly 11 June 1739

Read and with the Amendments proposed in a Message herewith
 sent will be assented to

Signed p Order John Ross Ct Up H

By the Upper House of Assembly 11 June 1739
 Gentlemen.

We are much surprized to find in the Journal of your Committee of
 Accounts an Allowance made to Robert Newcomb for attending as a
 Witness & another to Edmund Bleads for his Attendance as an
 Evidence against John Leeds, which are such as We cannot remem-
 ber ever to have been made by the Assembly; And we are perswaded
 might be made Use of as Presidents to tax the Country very largely
 if ever it should be the Misfortune of the Country to elect a Majority
 of their Delegates of persons inclinable to assume to themselves
 Powers inconsistent with the Laws of the Country

At the same time that We take Notice of these Allowances we find
 several Accounts of just Fees, which We herewith send you, due to
 the Secretary Attorney General and Clerk of the Council, such as
 were never till lately disputed or refused, And we assure you that
 without you Strike out the Allowances made Newcomb and Bleads
 before mentioned and insert these last mentioned we cannot assent to
 the Journal

There is likewise an Account of 21250[£]wt Tobacco due to the
 Secretary, and another of 28000 [£]wt Tobacco due to the Attorney
 General, that we think ought to be allowed them, but as We are
 not altogether so clear to them as we are to the Others whether the
 Province or particular Counties are chargeable with them, we shall
 not now insist on their being allowed by the Publick, but shall always
 reserve to the Officers the Liberty of charging the said fees agreeable
 to Justice

Signed p Order John Ross Ct Up H.

A Message from the Lower House by Mess^{rs} Gordon & Swann

By the Lower House of Assembly 11 June 1739

U. H. J.
No. 734

May it please Your Honours

As to the Allowances that were made in the Journal to Newcomb and Bleds, this House have struck the same out of the Journall

The Allowances proposed by your Message to the Secretary & Mr p. 69
Ross we have not now time to consider of therefore desire the Consideration of them Accounts may be referred to the next Sessions

We send you again the Journal of Accounts and hope you'll pass the same as it now stands

Signed p Order W^m Ghiselin Ct Ass^t to Ct Lo H.

The following Message is sent to the Lower House by Philip Lee Esq^r

By the Upper House of Assembly 11 June 1739

Gentlemen

As We are well assured that what We insisted on in Our last Message should be added to the Journal of your Committee of Accounts, is just, We cannot agree to refer the Consideration of the Accounts to any other Time

Signed p Order John Ross Ct Up H.

The Engrossed Bill Entituled an Act concerning the building a Dwelling House Out houses and other Conveniencies for a Governor is brought from the Lower House by Mess^{rs} Sprigg and Gouldsborough

Adjourned till to Morrow Morning Nine of the Clock.

Tuesday Morning 12 June 1739

June 12

This House met again according to Adjournment

Present as Yesterday

A Message from the Lower House by Mess^{rs} Henry and Ennals

By the Lower House of Assembly 12 June 1739

May it please Your Honours

We desire Your Honours will appoint a time when some of the Members of this House shall attend your Honours to see the Laws sealed as usual

Signed p Order W^m Ghiselin Ct Ass^t to Ct Lo H.

The following Message is sent to the Lower House by Philip Lee Esq^r

U. H. J.
No. 734

By the Upper House of Assembly 12 June 1739

Gentlemen

Upon Consideration of Your Message this Morning, we cannot avoid observing that although you would endeavour to deprive this House of a Part in the Legislature which We undoubtedly have, Yet you would compliment us with a Power of the Seals which We have not, and We desire you will excuse Us from appointing a time for seeing the Laws sealed, since We cannot command the seals at any time

Signed p Order John Ross Ct Up H

Edmund Jenings Esqr & Cot Gale are sent to the Lower House with the following Message

Mr Speaker

p. 70 The Governor finding by Your Address just now presented to him that no Business lays before you, We have it in Command from his Excellency to require the Attendance of Your House in the Upper House immediately

The Speaker and the whole House attend to whom His Excellency makes the following Speech

Gentlemen of the Lower House of Assembly

The Gentlemen of the Upper House have so fully shewn the Obligation I am under, of doing everything in my Power to continue the many useful Laws which they have mentioned to you, that I have little to add upon that head; only I cannot help expressing my Surprize at the Resolutions your House seems to have taken, to use your utmost Endeavours to deprive the Country of the Fund, that has subsisted for so many Years, for purchasing Arms and Ammunition for the Defence of the Province, at this Time especially, when it is so necessary for all his Majestys Colonies in America, to put themselves into such a Condition, as may not only enable them to defend themselves, if they should be attacked, but to assist their Neighbours in the like unhappy Circumstances

In such a Conjunction it would certainly be much more proper to increase the abovementioned Fund than to destroy it, Our Loyalty & Duty to his Majesty in such times of General Danger, being much better expressed by our Actions, than by the most high sounding Words, which it is well known the Enemies of his Majestys Government in all his Dominions are very often more lavish of, than his most faithful Subjects, whose true Loyalty and Affection prompt them to something more reall and substantial

As to what you say in Your Message to the Upper House, " That you cannot well see how those who have had the Disposition

of the Money hitherto raised to that Use, can acquit themselves for not applying it to the Purpose for which it was raised ”

U. H. J.
No. 734

“ And that besides the Money arising from this Duty now in Bank, there remains two thousand five hundred Pounds Sterling unaccounted for in any Manner; And that the Proprietor has possessed himself of a considerable annual Sum, amounting to at least Two thousand two hundred Pounds Sterling, arising on the shipping trading into, and Staple Export of this Province without any Law for levying the same ”: I cannot help saying, that these are such low and mean Aspersions, and so absolutely without the least Foundation, that they must either be allowed to manifest a Strong Inclination to throw Dirt, or a Desire to give some Colour to the Violence of your Proceedings, which you cannot but already begin to see have given Offence to many of the best and wisest Men in the Province, who, I am preswaded, will be daily more and more convinced, that violent Personal Malice and Hatred have been stronger Motives to your said Proceedings, than any true Protestant English Spirit for the Good of your Country

p. 71

But whatever Considerations may have been the Cause of your present Conduct, I shall never be brought to do any thing on my Part inconsistent with that Duty which I owe to his Majesty, and which obliges me in my present Station to do every thing that lies in my Power for his Majestys Honour, and for the Safety and Defence of this Part of his Maj^{ty}s Dominions

I therefore have thought it proper, by the unanimous Advice of his Lordships Council of State, to prorogue this Assembly to the first Tuesday in September next, and You are to take Notice you are prorogued to that day accordingly

Thus Endeth this Convention begun and held at the City of Annapolis on the first Day of May in the twenty fifth year of his Lordships Dominion Annoq Domini 1739

Jn^o Ross Cl.

PROCEEDINGS

THE LOWER HOUSE OF ASSEMBLY

L. H. J. At a Session of Assembly begun and held at the City of Annapolis
 Lib. No. 45 on Tuesday the first Day of May in the Year of our Lord 1739 And
 May 1 in the twenty fifth Year of the Dominion of the Right Honourable
 p. 78o Charles Absolute Lord and Proprietary of the Provinces of Mary-
 [The land and Avalon Lord Baron of Baltimore, appeared in the Lower
 printed proceedings of the Ses- House of Assembly the following Members
 sion are
 found in the
 New York
 Public
 Library
 and in the
 Maryland
 Historical
 Society.]

For St Mary's County
 M^r James Waughop
 M^r John Read
 M^r Thomas Aisquith
 M^r James Swann

For Dorchester County
 M^r John Brannock

For Cecil County

For Kent County
 M^r William Harris
 M^r Charles Hynson

For Baltemore County
 M^r Thomas Sheredine
 M^r John Moale
 M^r Roger Matthews
 Cap^t Richard Caswell

For Ann Arundell County
 Doc^r Charles Carroll
 M^r Vachel Denton
 M^r Thomas Gassaway

For Prince George's County
 Maj^r Edward Sprigg
 M^r John Magruder
 M^r Turner Wootton
 M^r Osborn Sprigg

For Calvert County
 Coll^o John Mackall
 M^r Walter Smith
 M^r James Weems
 M^r Joseph Hall

For Somerset County
 William Stoughton Esq^r
 M^r Robert Henry
 M^r John Gale

For Charles County
 M^r John Courts
 M^r William Middleton
 Coll^o Robert Hanson
 M^r Beyn Smallwood

For the City of Annapolis

For Talbot County
 M^r Edward Lloyd
 M^r William Thomas

For Queen Anns County

p. 781 Coll^o Hanson and M^r Denton Ordered to acquaint the Governour
 a Sufficient number of Delegates returned to serve in this Assembly
 are Convened in the Stadt House.

Edmund Jenings Esq^r and Coll^o Charles Hammond from the Upper House and M^r John Ross Clerk of the Council came into the Stadt House in whose presence the aforesaid Members took the Oaths (of Allegiance abhorrence and Abjuration) to his Majesty King George the second Repeated the Test and Signed Said Oaths and Test.

L. H. J.
Lib. No. 45

Benjamin Tasker Esq^r and George Plater Esq^r from the Upper House Informed the said Members that the Governour required their immediate attendance in the Council Chamber. They thereupon went, The Governour required them to return and make Choice of a Speaker, They returned and Unanimously made Choice of Coll^o John Mackall for their Speaker and placed him in the Chair.

M^r Walter Smith and Coll^o Hanson Ordered to acquaint his Excellency this House hath made Choice of a Speaker.

Coll^o Hammond from the Upper House acquaints this House his Excellency requires their Attendance in the Council Chamber to present their Speaker. The Members of this House went to the upper House and presented to his Excellency the Governour Coll^o John Mackall a returned Member for Calvert County for their Speaker.

His Excellency the Governour approved the Choice.

His Excellency made the following Speech. (See page 210.)

M^r Speaker and the rest of the Members Returned. The House p. 783 make Choice of M^r Michael Macnemara for Clerk.

M^r Denton and M^r Edward Lloyd Ordered to acquaint the Governor therewith and to desire his Approbation. They return and Acquainted M^r Speaker the Governour Approved the Choice. M^r Denton and M^r Lloyd sent to the Upper House to see M^r Macnemara Qualify himself as Clerk.

They return and Acquaint M^r Speaker they saw the said Macnemara qualify himself by taking the several Oaths to the Government required by Law and by Signing the said Oaths and by Repeating and Signing the Test and taking the following Oath.

You Michael Macnemara do swear that as Clerk of the Lower House of Assembly you shall true Entry's make of all such matters and things as by the Honourable Speaker for the time being and that House shall be to you Directed, the Secrets of the said House you shall not Divulge to the Prejudice of the House or any Member thereof but shall in all things as Clerk to the said House well and truly demean your self According to the Best of your Knowledge. So help you God.

M^r Thomas Jobson Appointed Serjeant at Arms

M^r Thomas Reynolds Appointed Door Keeper. The House Adjourned untill the Morrow Morning at nine of the Clock.

L. H. J.
Lib. No. 45
May 2

Wednesday Morning May 2^d 1739.

The House met according to Adjournment.

The House Appointed.

| | | |
|------------------------------|-------------------------|---|
| M ^r Walter Smith. | M ^r Magruder | } A Committee of Elections & Priviledges |
| Coll ^o Hanson. | M ^r Hynson | |
| M ^r Gassaway. | | |

| | | |
|----------------------------|--------------------------|-----------------------|
| M ^r Dulany. | Coll ^o Hooper | } a Committee of Laws |
| Doct ^r Carroll. | M ^r Calder | |
| M ^r Hammond | M ^r George | |
| M ^r Denton | | |

| | | |
|-------------------------|--------------------------|---------------------------|
| Coll ^o King. | M ^r Sheredine | } a Committee of Accounts |
| M ^r Denton. | M ^r Wootton | |
| Maj ^r Sprigg | | |

| | | |
|------------------------------|--------------------------|---|
| M ^r Matthews. | M ^r Wright | } A Committee of Aggrie- vances and Courts of Justice |
| M ^r Stoughton | Doc ^r Carroll | |
| M ^r Goldsborough, | M ^r Moale | |
| M ^r Magruder | | |

| | | | |
|--------|---------------------------|-----------------------------|--|
| p. 784 | M ^r Moale | M ^r Edward Lloyd | } a Committee to Inspect the Ac- counts and Proceedings of the Commissioners for emitting Bills of Credit es- tablished by Act of Assem- bly. |
| | M ^r Trippe | M ^r Caswell | |
| | Coll ^o Colvill | | |

| | | |
|------------------------------|--------------------------|---|
| M ^r Walter Smith. | Coll ^o Hooper | } a Committee to Inspect into the state and Condition of the Arms and Ammuni- tion and Accounts relating thereto. |
| Coll ^o Hanson | M ^r Read | |
| M ^r Wootton | | |

Ordered that the Committee of Accounts Inspect how the Fund for the Free Schools is disposed and make report to the House concerning the state thereof.

The House agree the Hours of Sitting during this Session be from nine of the Clock in the Morning untill twelve and from two in afternoon untill Six.

The House agree to the following Resolves, Viz.

Resolved by the House that the Members that are appointed as Members of the Committee of Aggrievances have likewise the Character of a Committee for Courts of Justice, and that, that Character and the Duty of such Committee be annext to the said Committee of Aggrievances as a standing part of their Duty.

And that it be an Instruction to the said Committee as a Committee of Courts of Justice that they observe the nature of all the Commissions to the several Courts of Judicature within this Province,

and that they Especially observe any alterations that may at any time happen by Accidental Omission or otherwise therein, and particularly relating to such words therein as require the Several Judges and Justices to Hear Try and Determine according to the Laws Statutes Ordinances and reasonable Customs of England and of this Province or to such other words as have relation thereto, and that they shall Immediately make Report to the House of any Alterations that shall at any time Happen in such Commission, And likewise to have regard as near as may be to observe wherein they Differ from the forms of the several Sorts of Commissions to the Judges and Justices in England.

L. H. J.
Lib. No. 45

Likewise Resolved that it be an Instruction to the said Committee to Inspect the form of the Oaths of office that have been and now are usually taken by the Several Magistrates, and that in case the following Clause be not incerted in the said Oath it be reported to the House, such Clause being agreeable to the Oath taken by the Judges in England and resolved to be necessary Here Viz.

To do equal Law and right to all the Kings Subjects rich and Poor and not delay any Person of Common right for the Letters of the King, the Lord Proprietary's or of any other, or for any other Cause, but if any such Letters come to them they shall proceed to do the Law the same letters notwithstanding.

And that a Copy of these Resolves be made and given to the said Committee when they first go out, every Sessions, and that making and giving such Copies be the undoubted Duty of the Clerk of this House and within the purveiw of his Oath.

p. 785

Resolved also that this Province is not under the Circumstance of a Conquered Country, that if it were the present Christian Inhabitants thereof would be in the Circumstance, not of the Conquered but of the Conqueror, It being a Colony of the English Nation Encouraged by the Crown to Transplant themselves hither for the sake of Improving and Enlarging it's Dominions which by the Blessing of God upon their Endeavours at their own Expence and Labour has been in great Measure obtained, and tis unanimously Resolved that whoever shall advance that his Majesties Subjects by such their Endeavours and Success have forfeited any part of their English Liberties are not well Wishers to the Country and mistake it's Happy Constitution.

Resolved also, that if there be any pretence of Conquest it can be only supposed against the Native Indian Infidells which supposition cannot be admitted, because the Christian Inhabitants purchased great part of the Land they at first took up from the Indians as well as from the Lord Proprietary, and have ever since Continued in an amicable Course of Trade with them, Except some partial outrages and Skirmishes, which never amounted to a General War, much less to a General Conquest, the Indians yet Enjoying their Rights and Priviledges of Treaties and trade with the English, of whom we yet

L. H. J. frequently purchase their Rights of such Lands as we take up as well
 Lib. No. 45 as of the Lord Proprietary.

Resolved further that this Province hath always hitherto had the Common Law, and such General Statutes of England as are not restrained by words of Locall Limitation in them, and such Acts of Assembly as were made in the Province, to suit it's perticular Constitution as the Rule and standard of it's Government and Judicature, such Statutes and Acts of Assembly being Subject to the like Rules of Common Law or equitable Construction, as are used by the Judges in Construing Statutes in England, which happy Rules have by his Majesty and his Royal Ancestors, and also by his Lordship and his Noble Ancestors or some of them been hitherto approved by leaving the Commissions of Judicature to Include Directions of that Nature to the Several Judicial Magistrates unless those words have at any time been Casually or Carelessly Omitted by the officers in this Province that Drew such Commissions, That therefore whoever shall advise his Lordship or his Successors to Govern by any other Rules of Government are evil Councillors, Ill Wishers to his Lordship and to our present Happy Constitution and intend thereby to Infringe our English Liberties, and to frustrate in great Measure the Intent of the Crown by the Original Grant of this Province to the Lord Proprietary.

p. 786 The House approved and Agreed to the above Resolves, made in the Year 1725 and Ordered that they be Entred in the Journal this Session as the Resolves of this House, Except where Alterations are made in them by Express Acts of Assembly, And whereas it is Contained in the said Resolves that the Clerk of this House shall sign all proceedings, As Clerk of the House of Delegates, and in no other manner upon which some Disputes have formerly Arisen between the two Houses of Assembly, for Prevention of any Disputes which may retard the Dispatch of Publick Business it is now Resolved, that all Proceedings shall be signed by the said Clerk, as Clerk of the Lower House, always saving to the Members of this House and the People they Represent and their Posterity all their Rights and Priviledges whatsoever, and Protesting that those Rights and Priviledges shall not, nor ought to be hurt prejudiced or lessened by the Clerk of this House his Signing the proceedings thereof as Clerk of the Lower House.

The House agree to the Rules observed last Session of Assembly.

Doc^r Carroll M^r Stoughton and M^r Denton were ordered to prepare an Address to the Governour on his Speech.

Daniel Dulany Esq^r and Cap^t Robert Gordon the returned Members for the City of Annapolis appeared in the House. M^r Denton and M^r Gassaway Ordered to go to the Upper House and see them Qualified they return and Acquaint M^r Speaker they see them Qualified by taking the Several Oaths to the Government required by Law

and by Signing the Oaths and by repeating and Signing the Test. L. H. J.
Lib. No. 45
The Gentlemen took their places in the House.

It being moved by a Member that on perusal of the last Journal of this House it appears the Clerk at the beginning of the Journal has recorded it a Session of Assembly and in the Close of the Journal he has Recorded it a Meeting in Assembly and it remaining a Doubt with this House which of the Two Terms is most properly applicable the further Consideration is referred to the next Saturday.

M^r Denton ordered to acquaint the Rev^d M^r Humphreys he is desired by this House to read Divine Service Morning and Evening during this Session.

The Committee of Aggrievances &c. Acquaint M^r Speaker they have made choice of M^r Stephen Boardly for their Clerk. The House approved the Choice.

The Committee of Elections and Priviledges &c Acquaint M^r Speaker they have made Choice of M^r Thomas Jenings for their Clerk. The House approves the Choice.

The Committee of Accounts Acquaint M^r Speaker they have made Choice of M^r Richard Dorsey for their Clerk. the House approves the Choice.

The Committee of Laws acquaint M^r Speaker they have made Choice of M^r William Ghiselin for their Clerk. The House Approves the Choice.

Cap^t Gordon Acquaints M^r Speaker he Administred the Oaths to p. 787
the Government to M^r Thomas Jobson the Serjeant at Arms and M^r Thomas Reynolds the Door Keeper to this House and that they signed the Oath of Abjuration and repeated and signed the Test.

The House Adjourns untill two of the Clock in the Afternoon.

Post Merediem. The House met according to Adjournment.

M^r Denton Acquaints M^r Speaker he informed M^r Humphreys with the request of the House The House Adjourned untill the Morrow Morning at 9 of the Clock

Thursday Morning May 3^d 1739.

May 3

The House met according to Adjournment.

The Gentlemen Appointed having prepared an Address to the Governour the same was Read and Ordered to lye on the Table.

M^r George and Coll^o Colvill two Members returned for Cecil County Appeared.

M^r Calder a member returned for Kent County Appeared. M^r Clayton M^r Pemberton and M^r Wilkinson three Members returned for Queen Ann County appeared. M^r Hynson and M^r Wootton Sent to the upper House to see them there Qualified. They return and Acquaint M^r Speaker the said Members took the Oaths of Allegiance abhorrence and Abjuration Subscribed the Oath of Ab-

L. H. J. Lib. No. 45 juration, repeated and Subscribed the Test in presence of the Members of the upper House.

The Gentlemen took their places in the House.

Resolved that the Votes and Proceedings of this House this Session be printed. M^r Jonas Green allowed to Print them, and Ordered that he be allowed twelve Shillings for so doing, and that he have them finished every Monday and Thursday Morning.

The House Adjourned untill two of the Clock in the Afternoon

Post Meridiem. The House met according to Adjournment.

M^r Robert Lloyd a returned Member for Talbot County appeared in the House

M^r George Willson a returned Member for Kent County appeared.

M^r Edward Lloyd and M^r Harris sent to the Upper House to see them Qualified, they return and Acquaint M^r Speaker the said Members took the Oaths required by Law subscribed the Oath of Abjuration, and repeated and Subscribed the Test in presence of the Members of the upper House. The Gentlemen took their places in the House

M^r Thomas Johnson one of the Delegates mentioned in the Writs of Election for Cecil County being Dead.

Ordered that M^r Speaker Issue his Warrant to the Secretary of this Province to make out a new Writ.

The House Adjourned untill the Morrow morning at nine of the Clock.

May 4
p. 788

Friday Morning May 4th 1739.

The House met according to Adjournment.

The Address to the Governour brought in Yesterday. Ordered to be read, on Reading the Address the Question was put whether that part of it which Answers the first Paragraph of his Excellency's Speech be amended or not. Resolved in the Negative.

For the Negative

| | | |
|--------------------------|--------------------------|------------------------------|
| M ^r Waughop | M ^r Gassaway | M ^r Stoughton |
| M ^r Read | M ^r Smith | M ^r Edward Lloyd |
| M ^r Aisquith | M ^r Weems | M ^r Robert Lloyd |
| M ^r Swann | M ^r Hall | M ^r Thomas |
| M ^r Willson | M ^r Courts | M ^r Brannock |
| M ^r Carroll | M ^r Middleton | M ^r Osborn Sprigg |
| M ^r Denton | M ^r Hanson | Cap ^t Caswell |
| M ^r Moale | M ^r Matthews | M ^r Magruder |
| Maj ^r Sprigg | M ^r Wootton | M ^r Pemberton |
| Cap ^t Wright | M ^r Clayton | |
| M ^r Wilkinson | M ^r Smallwood | |

For the Affirmative

L. H. J.
Lib. No. 45

| | | |
|-----------------------|-----------------------|---------------------------|
| M ^r Harris | M ^r Henry | Coll ^o Colvill |
| M ^r Hynson | M ^r Gale | M ^r Dulany |
| M ^r Calder | M ^r George | Capt. Gordon |

The Question was put whether that part of the Address which Answers the third Paragraph of the Governours Speech be altered, or not. Resolved in the Negative.

For the Negative.

| | | |
|--------------------------|------------------------------|--------------------------|
| M ^r Waughop | M ^r Edward Lloyd | M ^r Magruder |
| M ^r Read | M ^r Robert Lloyd | M ^r Courts |
| M ^r Aisquith | M ^r Brannock | Cap ^t Wright |
| M ^r Swann | M ^r Sheredine | M ^r Middleton |
| M ^r Willson | M ^r Moale | M ^r Clayton |
| M ^r Carroll | M ^r Matthews | M ^r Hanson |
| M ^r Denton | M ^r Caswell | M ^r Pemberton |
| M ^r Gassaway | M ^r Edward Sprigg | M ^r Smallwood |
| M ^r Smith | M ^r Wootton | M ^r Wilkinson |
| M ^r Weems | M ^r Osborn Sprigg | |
| M ^r Stoughton | M ^r Hall | |

For the Affirmative

| | | |
|-----------------------|-----------------------------|-------------------------|
| M ^r Harris | M ^r Goldsborough | M ^r Gale |
| M ^r George | Coll ^o Colvill | Cap ^t Gordon |
| M ^r Hynson | M ^r Henry | |
| M ^r Thomas | M ^r Dulany | |

The Question was put whether that part of the Address which Answers the Sixth paragraph of the Governours Speech be altered, or not

Resolved in the Negative

For the Negative

p. 789

| | | |
|------------------------------|--------------------------|------------------------------|
| M ^r Waughop | M ^r Gale | M ^r Read |
| M ^r Edward Lloyd | M ^r Swann | M ^r Robert Lloyd |
| M ^r Wilson | M ^r Brannock | M ^r Carroll |
| M ^r Sheredine | M ^r Denton | M ^r Moale |
| M ^r Gassaway | M ^r Matthews | M ^r Smith |
| M ^r Caswell | M ^r Weems | M ^r Edward Sprigg |
| M ^r Hall | M ^r Wootton | M ^r Courts |
| M ^r Osborn Sprigg | M ^r Middleton | M ^r Magruder |
| M ^r Hanson | Cap ^t Wright | M ^r Smallwood |
| M ^r Clayton | M ^r Stoughton | M ^r Pemberton |
| M ^r Henry. | M ^r Wilkinson | |

L. H. J.
Lib. No. 45

For the Affirmative

| | | |
|-------------------------|-----------------------|---------------------------|
| M ^r Aisquith | M ^r Calder | Coll ^o Colvill |
| M ^r Harris | M ^r Thomas | M ^r Dulany |
| M ^r Hynson | M ^r George | Cap ^t Gordon |

The following Address was approved by the House and Ordered to be Ingrossed, Viz.

To His Exc^y: Sam^l Ogle Esq^r Governour of Maryland
The Humble Address of the House of Delegates.

May it please your Excellency.

1) We his Majesties most Dutifull and Loyal Liege Subjects the Delegates of the Freemen of the Province of Maryland, in Assembly convened beg leave to return your Exc^y our hearty thanks for the kind Declaration in your Speech at the opening of this Session

We confess ourselves at a Loss to know certainly the Motives that Induced your Excellency to the Unprecedented Prorogation of the last Assembly, the Misunderstanding that then subsisted was due to a Misapprehension of one of his Lordships Council, in which had a Milder Medium been used this House would readily Undeceived the Gentlemen, or that Honourable Board.

And we are not forgetfull of the Advances this House then made for the Dispatch of the Publick Business, by repeated Messages sent by their Honourable Members.

We are now again Willing and desirous to pass by the unparalleled Treatment of this House in the Person of their Honourable Speaker as also the manner of the then Prorogation and that at a time when the representative Body of the People were in the Execution of their Duty, doing Justice to their Constituents and Honour to the Government, by Endeavouring to bring to light Offences and Offenders against both.

We are very willing to put the mildest construction on these proceedings as also the Subsequent dissolution of that Assembly to the great Charge and Trouble of his Majesties Liege Subjects the good People of Maryland.

We cannot pass by in Silence a circumstance attending that time tho' Triffling and minute in it self by the Person, who altho then under the censure of the Delegates of the Freemen of Maryland for having grossly Reflected on that Body in Generall and some in particular Yet Immediately thereupon put into a place of Proffit and Trust in one of the Courts of Record.

We Humbly hope there is some Honour and regard due to the Body of the People his Majesties Liege Subjects, and we are Sorry to see Merrit made of that which ought to Debase, and those mostly

carressed who are most active in the Maltreatment and Oppression of the good People of this Province. L. H. J.
Lib. No. 45

2) We are now as heretofore we were, fully convinced that Heats and Annimosities are an ill Foundation for the Pursuit of the publick Good. Wherefore we then did as we now shall, Endeavour what lies in our Power to avoid giving rise to such, And we Humbly Hope that no Artfull or colourable pretence will be made use of to Impede the Publick Business. On our part we do with Truth and Unfeigned Sincerity assure your Excellency that we are come with a Hearty Desire and firm Resolution to do everything in our Power to promote the General Good and Welfare of the Province of Maryland than which we have nothing more near at Heart.

3) Your Excellency is pleased to Declare, as you often have, Your Good Intentions for the Welfare of this Province and People, and we are truly Sorry that your kind Resolutions so often Published should hitherto be frustrated and rendered void by the Malevolent Influence of Evil Councils, such may Gain to themselves Private Advantage while the Publick are Sacrificed to their avarice and Ambition and his Majesties poor Lloyal and Dutifull Subjects Intirely Destitute of means to Redress themselves, sinking under the Yoke of Bondage, be well pleased that they fare no worse, than being brought to a State of Villenaye.

Since your Excellency have been pleased to give us such strong Assurances of your Willingness to give a Helping Hand to remove every Obstacle to the Happiness and Prosperity of the Province, we will Humbly presume in full hopes of your kind Concurrence and Redress, to lay before you, such Aggrievances and Oppressions as we take to be real Obstacles to it's Prosperity and Happiness.

And We most Humbly hope your Excellency will not attribute the Just Discharge of our Duty, or our Moving with Decency, Order, and good Manners in these points wherein we feel our selves Sensibly Affected, to the want of Moderation and Temper, or a Due Regard to your Person. p. 791

We assure your Excellency that we shall with the greatest Zeal and Coolness of Temper pursue the General Good so far as we can, and Avoid as Destructive Precipices, any Sinister or artfull Practices of self Intrested or Designing Persons let their pretences be veiled over by what Gloss soever and that such shall in no ways Influence our words or Actions.

4) We hope your Excellency had the Publick as well as his Lordships Intrest at Heart in promoting the Continuance of the Payment of Rents and Alienation fines as the same had for some time before been, by a Duty on Tobacco, the Staple of this Province, and likewise that of passing the Currency Emittted by his Lordship and the Good People of this Province in payments to the Clergy and Officers, and with great Submission we take leave to Judge favour-

L. H. J. ably of those who thro' a sence and Desire of doing Good opposed
 Lib. No. 45 the same, altho' they may have been mistaken in point of Judgement.

5) From many Consequences we find that this Government hath for some time past pursued it's own Profitt and Benefit, but how far that turns to the Publick Good those who are Sensible thereof will best Judge, and we Humbly Conceive that when the Representative Body of the People refuse any Advantage offered it must proceed from an Error in Judgment thro' want of Due reflection or Impartial Deliberation which we shall from your kind Recommendation make the best use of we are Capable in what affairs shall come before us.

6) This House is not acquainted with the Disposition of the Clergy in point of their forty p Poll, and shall always bear a Just regard for that Reverend Body, nor Attempt to intrud any Terms on them which may not Suit their own Inclinations to Accept of, but shall always be ready and Willing to receive such Proposals as they may Judge Suitable to Make.

Your Excellency is pleased to Vouch for his Lordships Officers good Inclination for the Publick Good, this is in your Excellency's Power to command, nor do we see any Reason to Joyn the Income of the Church and State on the present Occasion, the former being Grounded on Law, the latter not.

This House have so many recent Instances of the People of this Province being made a Property to his Lordships Officers and the many Evils that proceed therefrom that they are under the Greatest Apprehension of every Act that may put them into their Power or Mercy, the Effects of which hath too often and daily doth Demonstrate itself in the ruin and Oppression of Many.

We wish we had not good reason to be assured that the little Credit given by his Lordships Officers to a Currency Struck by his Lordship and the People here, on the best Security, has not been the Means in a great Manner to Depreciate the same.

p. 792 We acknowledge it is of the utmost Importance to this Province to Circulate and give a Credit to their Currency, but the former Reasons and great Apprehensions of further Evil will weigh with us to let it take it's Chance on the Foundation whereon it now Stands, which we are well assured must give it a Due Credit in time, against all the Attempts and Designs of the Enimies to that and our Welfare

7) As we Judge our Attempts or Endeavours would be fruitless and Dangerous in relation to a General Law relating to the Paper Currency we shall at present Decline Enttring thereon.

And we Humbly conceive that it is in his Lordships, his Ministers and Officers Power to Encourage the Settlement of the Back and remote Parts of this Province, but how far that is done by the

Excessiveness of fees in Offices and the High terms of Rents at present Reserved, (far Exceeding anything of the kind in any other part of his Majesty's American Dominions that we know of) shews it self. Whatever lies in our Power shall be done with utmost Chearfulness to promote the Enlargment of his Majesties Empire and Dominion in this Province by Encouraging the Settlement of these Back and Remote parts, in hopes that thereby the Export may be Encreased towards bettering his Majesties Revenue and the Trade of our Mother Country Great Brittain as also the Advantages that may Consequently Ensue to the Province.

L. H. J.
Lib. No. 45

8) We shall have a due Regard to any usefull Laws which may Expire with this Session.

The Security Defence and Safety of this Province is so near and Dear to us that we shall be always ready and Willing to do every thing requisite and necessary to so good an End, and we Assure your Excellency that your Recommendations shall always have their due Weight with us.

The Account which your Excellency has been pleased to lay before this House shall be considered, and we assure your Excellency that if we find the same Right and Clear, we shall make no Objection thereto, and we doubt not but your Excellency will rather Approve than Condemn our Conduct if we fairly and Openly Object against any Erronious Publick Accounts, it being our Undoubted Right and Duty so to do.

We hope that this Government hath no Enimies nor will make any, and Malicious Private Whispers and Groundless Insinuations are weak Attempts which ought to be Dispised

We assure your Exc^y that this House will always to the best of their knowledge Act openly freely and Candidly, and which conduct most agreeable to native British Sincerity, the Inseperable Characteristick of every true Britton we Humbly hope will give no Offence.

The House Adjourned untill two of the Clock in the Afternoon.

Post Meridiem. The House met according to Adjournment.

p. 793

M^r Henry is added to the Committee of Laws

Ordered that M^r Dulany Doctor Carroll M^r Hammond M^r Calder M^r Denton M^r George and M^r Stoughton prepare an Officers fee Bill. And that it be an Instruction to those Gentlemen in Regulating the ffees, regard be had to the ffees Setled in the Neighbouring Provinces of Virginia and Pensilvania.

The Question was put whether in the Bill to be brought in, the fees shall be rated in money or Tobacco, that the fees be rated in Tobacco.

L. H. J.
Lib. No. 45

For the fees in Tobacco.

| | | |
|---------------------------|------------------------------|--|
| M ^r Waughop. | M ^r Sheredine | M ^r Henry. |
| M ^r Read. | M ^r Moale | M ^r Gale. |
| M ^r Aisquith | M ^r Matthews | M ^r Edw ^d Lloyd. |
| M ^r Swann. | M ^r Caswell | M ^r Rob ^t Lloyd. |
| M ^r Carroll. | M ^r Edward Sprigg | M ^r Wilkinson |
| M ^r Courts. | M ^r Denton. | M ^r Wootton |
| M ^r Middleton. | M ^r Smith. | M ^r Osborn Sprigg |
| M ^r Hanson. | M ^r Weems. | M ^r Magruder |
| M ^r Smallwood. | M ^r Hall. | M ^r Pemberton |
| M ^r Stoughton. | M ^r Brannock. | |

For the Fees in Money

| | | |
|-----------------------|-------------------------|-------------------------|
| M ^r Wilson | M ^r Gassaway | M ^r Calder |
| M ^r Harris | M ^r Thomas | M ^r Dulany |
| M ^r Hynson | M ^r George | Cap ^t Gordon |

The House Adjourned untill the Morrow Morning at nine of Clock.

May 5

Saturday Morning May 5th 1739.

The House met according to Adjournment.

M^r Robert Jenkins Henry added to the Committee appointed to prepare an Officers fee Bill.

The Address to his Excellency the Governour being Ingrossed and Signed.

M^r Smith and Coll^o Hanson Ordered to Acquaint the Governour this House hath prepared an Address to his Excellency, and to desire to know when and where he will be pleased to receive it.

They Acquaint M^r Speaker the Governour is ready to receive the Address in the Conference Chamber.

Resolved that M^r Speaker with the whole House present the Address

M^r Speaker left the Chair and attended by the lower House of Assembly Presented the Address to his Excellency the Governour.

M^r Speaker and the rest of the Members Returned. M^r Speaker Reassumed the Chair

Coll^o King a Member returned for Somerset County Appeared. M^r Henry and M^r Gale sent to the Upper House to see him Qualified, they return and Acquaint M^r Speaker they see him qualified by taking the several Oaths required by Law, and Signing the Oaths and by Repeating and Signing the Test. The Gentleman took his place in the House.

The manner of beginning and Concluding the last Journal of this House being this day Debated was referred for a further Debate on Wednesday next.

L. H. J.
Lib. No. 45
p. 794

The House Adjourns untill two of the Clock in the Afternoon.

Post Merediem. The House met according to Adjournment.

It being moved by a Member that the Sherriff of Ann Arundell County be ordered to produce to this House the Proclamation by which the last Assembly was Prorogued Ordered accordingly the Clerk acquaint the Sheriff with the order the Sherriff produced the same which was read in the House. The Clerk of the House ordered to take a Copy which was done and the same being ordered to be Entred follows in these words.

Maryland ss^{ts}

By his Excellency Samuel Ogle Esq^r Governour and Commander in Chief in and over the Province of Maryland.

See also
28 Archives
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A Proclamation

Whereas a Disagreement have arose and still Subsists between the two Houses of Assembly to the Interruption and Hindrance of Publick Business, By which means so Entire a Stop is put to the necessary Communication of the two Houses, that the Upper House by their Address have Desired my Interposition to prevent a further needless Burthen and Expence to the Province, I have therefore thought fit with the Advice of his Lordships Council of State to Prorogue this present General Assembly and I do hereby Prorogue the same to the second Tuesday in July next being the Eleventh Day of the same Month and to the Intent that all Persons Concerned may have Due Notice thereof I do strictly Charge and Require the Sherriff of the City of Annapolis to make this my Proclamation publick in his said City in the usual Manner as he will Answer the Contrary at his Perril. Given at the City of Annapolis this twenty third Day of May in the twenty fourth Year of his Lordships Dominion Annoq: Domini 1738.

Sam^l Ogle John Ross Ct. Con.

The House Adjourns untill Monday Morning at nine of the Clock.

Monday Morning May 7th 1739.

May 7
p. 795

The House met according to Adjournment.

M^r Nicholas Goldsborough a Member returned for Talbot County Appeared.

L. H. J. Coll^o Henry Hooper M^r Henry Trippe and Cap^t Bartholomew
 Lib. No. 45 Ennalls three Members returned for Dorchester County Appeared.

M^r Edward Lloyd and M^r Brannock sent to the upper House to see them Qualified.

They return and Acquaint M^r Speaker the said Members were qualified in the usual manner.

The Gentlemen took their Places in the House.

Ordered that the Sherriff of An Arundell County produce to this House the Proclamation by which the last Assembly was Dissolved and that the Clerk Acquaint him.

This House be Ordered that it be an Instruction to the Committee of Aggrievances and Courts of Justice to Inspect the Original Papers, Books Entry's Records and Registers lodged in the Several Officers in this Province and make Report thereof, And it is further Ordered that all Committees appointed by this House be empowered to send for Books Persons Papers and Records and that a Copy of this Order be given to the Chairman of any Committee that shall require the same.

Ordered that the Clerk of the Committee of Laws be allowed a Clerk Assistant.

The House Adjourned untill two of the Clock in the Afternoon

Post Merediem. The House met according to Adjournment.

Ordered that a Bill be brought in for the Encouragment of Jonas Green Printer and that M^r George Prepare and bring in the same.

M^r George brings in a Bill Entituled an Act reviving and Continuing an Act of Assembly of this Province, Entituled an Act for the Speedy Recovery of small Debts out of Court before a Single Justice of the Peace, Which was Read the first time and ordered to lye on the Table.

M^r George brings in a Bill Entituled an Act to continue an Act of Assembly of this Province Entituled a Supplementary Act to the Act Entituled an Act for emitting and making Current ninety thousand Pounds Current Money of Maryland in bills of Credit and to restrain some evil Practices of Sherriffs under Colour of the said Act Committed, which Bill was Read the first time and ordered to lye on the Table.

The House Adjourned untill the Morrow Morning at nine of the Clock.

May 8

Tuesday Morning May 8th 1739.

The House met according to Adjournment.

The Bill Entituled an Act reviving and Continuing an Act of Assembly of this Province Entituled an Act for the Speedy recovery

of small Debts out of Court before a Single Justice of the Peace. L. H. J.
Read the second time and passed And sent to the upper House by Lib. No. 45
Coll^o King and M^r Osborn Sprigg.

The following Message (See page 216.)

Sent to the upper House by M^r Trippe and Cap^t Caswell. p. 796

M^r Wilson and Cap^t Gassaway Added to the Committee of Ag-
grievances and Courts of Justice.

A Bill brought in Entituled an Act to continue an Act of Assem-
bly of this Province Entituled an Act for the better Releif of poor
Debtors, was read the first time and Ordered to lye on the Table.

The House Adjourned untill two of the Clock in the Afternoon.

Post Meridiem. The House met according to Adjournment.

The Sherriff of Ann Arundell County delivered to the Clerk of this
House the Proclamation by which the last Assembly was dissolved
which was read by the Clerk, who was ordered to take a Copy and
Enter the Same on the Journal. The Proclamation is contained in
these words Viz.

Maryland ss^t

By his Excellency Samuel Ogle Esq^r Governour and Commander in
Chief in and over the Province of Maryland.

A Proclamation

Whereas there is no Emergent Occasion for the meeting of the
Assembly at the Day it is adjourned to, I have therefore thought
fit with the Advice of his Lordships Council of State to Dissolve
this Present Assembly and I do hereby Dissolve the same, and
I do Strictly Charge and Command the Several Sherriffs of this
Province to make this my Proclamation publick in their Respec-
tive Countys in the usual manner to the end that all Persons Con-
cerned may have due notice thereof, as they will Answer the
Contrary at their Peril. Given at the City of Annapolis this
twentieth Day of October in the twenty fourth Year of his Lordships
Dominion. Annoq Domini 1738

Sam^{ll} Ogle John Ross Cl. Con.

M^r George brings in a Bill Entituled an Act for continuing an p. 797
Act of Assembly of this Province Entituled an Act Ascertainning the
Gage and Tare of Tobacco Hogsheads and to prevent Cropping
Cutting and defacing Tobacco taken on Board Shippes or Vessels
upon freight

And a Bill Entituled an Act for continuing an Act of Assembly
of this Province Entituled an Act for the Tryal of all matters of
Fact in the Several County's where they have arisen or shall arise

L. H. J. the Continuance of Causes in the Provincial Court and Adjourn-
Lib. No. 45 ments of that Court as also a Supplementary Act to the Act Entituled
an Act for the Tryal of all matters of fact in the several County's
where they have arisen or shall arise the Continuance of Causes in
the Provincial Court and Adjournment of that Court and for Con-
tinuing the Same and for the Continuing of Causes in the Provincial
and County Courts and to enlarge the time for taking out Executions.

Which Bills were Severally Read the first time and Ordered to lye
on the Table.

Coll^o Hammond from the Upper House Delivers M^r Speaker a
petition of Abraham Wood of S^t Mary's County Taylor Indorsed,
recommended by the Upper House of Assembly to the Consideration
of the Lower House of Assembly, by which the petitioner prays leave
to bring in a Bill to Empower him and his Assigns Solely for the
space of 21 Years to build Mills which the petitioner has Discovered
the way of, by which Mills Corn or other Grain may be Ground
without the help of Wind Water or Horses which petition was Read
and Granted.

On Motion leave given to bring in a Bill to Enlarge the Jurisdic-
tion of the County Courts. Leave given to bring in a Bill to Em-
power the County Courts to Issue Writs of Replevin.

The House Adjourned untill the Morrow Morning at nine of the
Clock.

May 9

Wednesday Morning May 9th 1739.

The House met according to Adjournment.

The Bill Entituled an Act to continue an Act of Assembly of this
Province Entituled a Supplementary Act to the Act Entituled an
Act for Emitting and making Current ninety thousand Pounds Cur-
rent Money of Maryland in Bills of Credit and to restrain some evill
Practices of Sherriffs under colour of the said Act Committed Read
the second time and passed. Sent to the Upper House by M^r
Goldsborough and M^r Hall.

The Debate concerning the Entry in the last Journal whether a
Meeting or Session being this day further Debated. a Considera-
tion thereon was referred to this Day three Weeks.

The House Adjourned untill two of the Clock in the Afternoon.

Post Meridiem. The House met according to Adjournment.

a Bill Entituled an Act for continuing an Act of Assembly of this
Province Entituled an Act to prevent the making of Seconds and a
Bill Entituled an Act for continuing an Act of Assembly of this
Province Entituled an Act to prevent Cutting up Tobacco plants
destroying of Tobacco and Tobacco Houses and for ascertaining the
p. 798 Punishment of Criminals guilty of the said Offence Severally Read
the first time and ordered to lye on the Table.

M^r Matthews from the Committee of Aggrievances &^c Delivers L. H. J.
M^r Speaker the following Report. Lib. No. 45

By the Committee of Aggrievances and Courts of Justice

May the 9th 1739.

Your Committee having received a Complaint from M^r John Brannock one of the Members of your Honourable House that the said John Brannock gave Bonds payable to Edmund Jenings Esq^r with power to confess Judgment on the said Bonds for fees arising due to the said Edmund Jenings as Secretary of this Province, which Bonds the said Edmund Jenings Remitted to M^r Peter Taylor then Sherrieff of Dorchester County to be received.

That the said John Brannock offered to pay the said Taylor and his Deputy John Mackiell the said Several fees due and for which the said Bonds were taken, after which Tender he the said Taylor contrary to all Justice Reason and Law procured Judgments to be rendered on the said Bonds.

That the said John after Rendering the said Judgment also, in like manner made Tender of the said Tobacco.

Notwithstanding which repeated Tenders of him the said John was served with the Executions on the Judgments and his Body detained in Prison to his great Expence and Damage both of his Person and Fortune.

Which Actings and doings your Committee conceive to be a great Aggrievance and abuse to the Rights and Liberty of the Subject. And therefore Humbly Submit the same to this House.

Signed p order of the Committee S. Bordley Clk.

The House Concurs with the Report. Ordered that the Clerk make out Summons's for M^r Peter Taylor and M^r John Mackiel to attend this House on Monday the 21st Instant to answer the Complaint of M^r John Brannock, and Summons's for Francis Watson &c.

The House Adjourned untill the Morrow Morning at nine of the Clock.

Thursday Morning May 10th 1739

May 10

The House met according to Adjournment.

Doct^r Carroll from the Committee of Laws brings in a Bill Entituled an Act for the Benefit of the Poor and Encouragement of Industry, which was read the first time and ordered to lye on the Table.

On Reading the second time the Bill Entituled an Act for continuing an Act of Assembly of this Province Entituled an Act for the Tryal of all matters of fact in the several County's where they have arisen or shall arise. The Question was put whether the said Bill pass or not. Resolved Unanimously in the Negative.

L. H. J. The Question was put Whether there shall be a new Assize Bill
 Lib. No. 45 brought in or not. Resolved in the Affirmative.
 p. 799

For the Affirmative

| | | |
|---------------------------|---|---------------------------------------|
| M ^r Waughop. | M ^r Osb ⁿ Sprigg. | M ^r Weems. |
| M ^r Trippe | M ^r Pemberton. | M ^r Hanson |
| M ^r Courts. | M ^r Wilkinson. | M ^r Smallwood |
| M ^{rs} Read. | M ^r Rob ^t Lloyd. | M ^r King |
| M ^r Thomas | M ^r Aisquith, | M ^r Stoughton |
| M ^r Middleton | M ^r Swann. | M ^r Henry |
| M ^r Ennalls. | M ^r Wilson. | M ^r Goldsborough |
| M ^r Brannock. | M ^r Harris. | M ^r Edw ^d Lloyd |
| M ^r George. | M ^r Carroll. | |
| M ^r Sheredine. | M ^r Smith | |

For the Negative

| | | |
|--------------------------|----------------------------|--|
| M ^r Hynson | M ^r Gale. | M ^r Edw ^d Sprigg |
| M ^r Calder | M ^r Hooper. | M ^r Wootton |
| M ^r Denton | Coll ^o Colvill. | M ^r Magruder |
| M ^r Gassaway. | M ^r Matthews | M ^r Dulany |
| M ^r Hall. | M ^r Caswell | M ^r Clayton |

The Governour Communicated the following Answer to the Address of this House Viz.

Gentlemen of the Lower house of Assembly.

I Have perused your Address delivered to me by Your Speaker on the 5th Instant and Cannot but be very much Surprised to find that Instead of such Mutual Civilities as have usually passed at the Beginning of former Assemblys your Address Contains Charges against the Government in General and my self in Particular which I am Confident are without foundation, and which, I am very Sorry to say seem rather Calculated to Create Animosities and foment Differences Then to Forward the Publick good, however I must own myself Oblidged to you for giving me so fair and Publick an Opportunity of Vindicating my own Character and Conduct which I flatter my self I shall be able to do In Clear and Intelligible a manner as will give Entire Satisfaction not only to Every honest and Sensible Gentleman in your house but also in the whole province

In the first place you Confess your selves at a loss to know Certainly the motives That Induced me to the unprecedented prorogation as you are pleased to Term it of the Last Assembly which I must own Surprizes me the more as I am not Master Enough of the English Language to Express my self more Clearly to you upon that head then I have already Done, without Decending to particulars, of which it is not Possible that you Can be Ignorant, nor Can I

Conceive how I Could have Acted otherwise then I Did, Consistently with the good and welfare of the province. L. H. J.
Lib. No. 45

I was Informed by an address from the upper house, that such a Misunderstanding Had happened between that and the late lower house as had put a Stop to all publick Business, and Even to all Inter-course by Messages: What Could be done in such Circumstances if the Assembly had Continued Sitting would not that have occasioned a heavy Charge to the Country without the least possibility of Deriving any advantage From it, was there any hopes or Probability of a Reconciliation, is it not very probable the Continuance of the sitting of that Assembly would have Increased and Aggravated the Differences which then Subsisted Could the Lower house however well Disposed and Inclined they might have been, have Carried on the Business of the Country without the Concurrence of the Upper, this it too wild and Extravagant to be Even so much as Imagined. A Dissolution or Prorogation being then absolutely necessary the Latter was made use of in Such a manner as the then situation of affairs would admit of Viz. By Proclamation, and Indeed no other Course Could be then Taken, I Could not have sent to the lower House for their Attendance by any Member of the upper, it being as they thought Inconsistent with Their Dignity to Carry any Message till Reparation was made for the affront they apprehended they had Received if I had sent by the Clerk of the upper house I might have given offence to the Lower, which I was Desirous to avoid as much as lay in my power, and these I can truly Say were the only motives of my Acting as I did: if I had Called the same Assembly Together again the same Dispute must have Subsisted, which made the Dissolution as necessary as the prorogation if any Misunderstanding of the Like nature should unfortunately happen again I Confess myself Entirely Ignorant of any other Course to be taken than was at the Last meeting but I shall be so far from Shutting my Ears to better Information, that I shall thankfully receive it after Mentioning the Prorogation, you proceed to a Justification of the late lower House, in Relation to the misunderstanding that Happened between the two Houses, in which I have not the least Concern and therefore shall leave that affair to the Consideration of the upper house: Only I must take notice of two Inconsistencies that Run through your whole address Viz: Confounding the late lower House with the present, and the Governour with the Upper House, had you avoided, these it might have shortened your address very much many things being Attributed to this Lower House which belonged to the former and to the Governor which belongs to the upper house to these are Owing the long Paragraph wherein you are pleased to profess your Willingness and Desire to pass by the unparalleled Treatment of your house in the Person of their Honourable Speaker, as you are pleased to Express your Selves. p. 800

L. H. J.
Lib. No. 45

If the upper House was to Confound the late lower House with the present, as you have Done it would necessarily bring on the same Dispute that Occasioned the last Dissolution, Consequently Bring on Another in the same Manner, but I am heartily glad to find the upper House has prudently avoided Every thing of this nature and has sent their members on Messages as usual without Taking any notice to your house, of the affront they apprehended they had received from the late lower House. But Supposing that your house was Really ill Treated in the person of Honourable Speaker of the last House, what share had I in that treatment, or why should I be Reproached with it, I have a Sincere value and Esteem for that Honourable and worthy Gentleman, and would, I am Sure, be very far from Giving him the least offence Even in a private Capacity, and much more so in the Honourable Station he then held of being Speaker to the lower house of Assembly as to what you say of a person being put into a place of Profit and trust in one of the Courts of Record, who had been under the Censure of the late Lower house of Assembly, for having Grosly Reflected on that Body, and some in particular, I must Desire the favour of you to point out me the means whereby you Can possibly Suppose me to have been in the least made Acquainted with that affair: if the lower house had laid any such thing before me I should Certainly have thought the person Deserved to be punished; but to be Disqualified to Enjoy any place of profit or trust for such an Offence, seems to me to be a punishment some what too Severe: Suppose a person had Reflected on the whole upper house of Assembly, and Even the proprietor himself, and this should be laid before your house, and Clearly proved, would you think the person thus offending Disqualified To be a member of your Honourable house, or to Enjoy any place of profit and trust under Your Direction, I hope you would be more forgiving for my own part, I Can truly say, I have forgiving many such offences against my self; and given the person too that Committed them very good places, without any view, as you will readily believe, of a rewarding them for what They had Done. I must Confess myself truly Sorry to here from the lower house of Assembly, that my good Resolutions, so often published, have been frustrated and rendered void, by the Malevolent Influence of Evil Councils, but I must be Candid as to say, that I should be much more so, was I Conscious to myself of the truth of this Severe Reflection, in whatever Light this Language may be Looked upon, I believe I may very Justly say, that is no reasoning, but may be Employed with the same force in the worst Cause in the world as well as the best, for which Reason I hope I shall never be fond of Imitating it, may I not ask what Malevolent Councils threw out the Revenue bill hindered our paper money to pay the Clergy and Officers, and Even now prevents our making it truly useful and valuable to the Country, or what other Mischief it is

p. 801

that these same evil Councils have Done, whenever you please to Enter into particulars, you may be assured that you shall have no Interruption from me in your Enquiry Either Into real or Imaginary Grievances and whatever of the former sort shall appear, I am Sure no man in the province will be more ready to Redress than my self, but I hope I may say, that General Expressions of Avarice and Ambition in Officers, of poor people Sinking the Yoke of Bondage, being brought to a state of Villenage &c. are so far from being any more proof of them, that they must be allowed a strong presumption to the Contrary, by every Candid and Judicious man such general Reflections being oftener made use of to Darken Truth than to place it in a fair and open Light. I agree with you that this Government has for some time past pursued it's own profit and benefit and really Believe it will Continue to do so in all times to Come, and presume the Lower house of Assembly will do same, but hope that this will never prevent our promoting the General good and prosperity of the People under our Care this is Certainly the true Interest of all Governments, and will always be pursued in proportion to the wisdom and good understanding of the Gentlemen in the Administration of them. I am obliged to you for Acknowledging that you have good Reason to be assured that the little Credit given by his Lordships Officers to our Currency has not been the means in a great manner to Depreciate the same, this is but Doing them Justice, our paper money not paying the Clergy and Officers, being the Cheif if not only Reason of the present low State of it's Credit: but however that may be, I Cannot but be Concerned to find anything weigh with the Representatives of the good People of Maryland To let it take its Chance on the foundation whereon it now stands, Especially as you seem to Acknowledge, that it [is] of the utmost Importance to this province to Circulate and Give Credit to Currency, and that we have Enemies whose attempt and Designs we have Reason to fear, Both against that and our welfare: What Evils you apprehend in raising the value of our paper money, I must own I Cannot Imagine; but should be glad that they were to be fairly Examined, being perswaded, that if your apprehensions should be found to be ill grounded, you would readily quit them for the good of the province. I am very well pleased with the regard you Express for the Clergy and hope that this favourable Disposition will always Continue in the Representatives of the people towards that Reverend body; their Establishment is Certainly upon a very solid foundation, and I hope you will be of opinion, that the Establishment of Courts and Officers is no less Solid, when you Consider that they are upon the same foundation on which our Assemblies themselves Stand; viz: the Royal Charter. I Don't at all question but that his Lordship and his officers, will do all they Can for the Ease and Encouragement of our Back Inhabitants and I shall hope for the same from this

L. H. J.
Lib. No. 45

p. 802

L. H. J. assembly. I return you thanks for the assurances you give me, that
 Lib. No. 45 you will have a due Regard to any useful laws which may Expire this Session and of your Readiness and willingness to do Everything which may be necessary to so good an End and the Safety of the province, and I shall ever Commend you for Examining with Freedom and Candour all Accounts of the Publick money. I think I have Observed every thing that is Material in your address; as to loose and General Charges, I own myself at a loss what answer To give them; when you shall please to Decend to Particulars, such Particulars shall be Considered and a due Regard had to them I appeal to your selves as well as your Constituents whether a fair Candid and Cool manner of Proceeding, be not a much more likely way to serve the Country, and Compensate the people for the Expence which the Assembly will Certainly occasion, then falling into heats and Animosities.

Samuel Ogle.

the house adjourns to 2 of the Clock in the afternoon.

Post Meridiem. the house met according to adjournment.

The Bill Entituled, an Act for Encouragement of Abraham Wood of St Marys County, to Build Mills: Read the first and Second time by Especial order, and will pass. Sent to the upper house by M^r Henry and M^r Thomas the Bill Entituled an Act Continuing an Act of Assembly of this province, Entituled an Act for the better Relief of poor debtors: Read the Second time and will pass. Sent to the upper house by Col^t Hooper and M^r Osborn Sprigg. on Reading the second time, the bill Entituled, an Act for Continuing an Act of Assembly of this province Entituled an Act to prevent the making of seconds the Question was put whether the said bill pass or not. Resolved in the Negative. The Bill Entituled an Act for Continuing an Act of Assembly of this province Entituled an Act ascertaining the gauge and Tare of Tobacco Hogsheads &c: Read the second time and passed. Sent to the upper house by Col^t: Hanson and M^r Courts. James Holliday Esq^r from the upper house delivers to M^r Speaker the Petition of the Justices of Calvert County and other Inhabitants of the said County. the Petition of John Lang Rector of St James Parish in Ann Arundell County and the Petition of Charles and Clement Sewall of St Marys County Severally Indorsed referred to the Consideration of the Lower house of Assembly. the Petition of the Justices &c of Calvert County praying leave to bring in a bill to new brick the under works of the Court House and new Shingle the same Read and Granted.

M^r Matthews from the Committee of Aggrievances &c. Delivers M^r Speaker the following Report.

By the Committee of Aggrievances and Courts of Justices
May 10th 1739

L. H. J.
Lib. No. 45
p. 803

Your Committee having received a Complaint from James Plummer who was and still is Seized in fee of four hundred and thirty nine Acres of land in Prince Georges County at the Annual Rent of four shillings p Hundred which in the whole amounts unto about the Annual Sum of Seventeen Shillings and seven pence Sterling. That William Diggs Receiver of his Lordships Land rents for Prince Georges County did in the year Seventeen hundred and thirty five Demand and actually Receive from the said Plummer the sum of Seventeen Shillings and nine pence half penny sterling for one years rent of the said four Hundred thirty nine acres which is two pence half penny more than was due or payable from the said Plummer to the said Diggs for his rent. that upon the said Plummer Discovering such over Payment be applyed to the said Diggs to allow the same to the said Plumer whereupon The said Digges promised such over payment should be allowed him his then next years payment. That said Plummer the year following applying to the said Diggs to pay him, the said Digges Years rent then due on the said Land the said Diggs did not only then refuse to allow the said Plummer the said Two pence half penny Sterling as so much over paid the foregoing year, but upon the said Plummers Tendering to the said Digges at the said Digges own house the place by himself appointed the Sum of Seventeen shillings and Seven pence Sterling which was the full amount of the Annual Rent the due for the said Land the said Diggs refused to receive the same and Insisted on the Sum of Seventeen Shillings and nine pence half penny Sterling for such rent, which is two pence half penny Sterling more than was at that time also actually due for the said Land. That the said Plummer refusing to pay the Exorbitant Sum Demanded by the said Digges, He the said Digges did Declare that he would receive the said Plummers Rents but ordered him to go down to St Mary's County and pay the same there whereupon the said Plummer Asking who the said Digges had there to receive it he the said Digges answered he the said Plummer might go Look and if he did not go down to St. Marys he the said Digges would Distrain and run him the Plummer to Charge. That the said Digges in pursuance of such his Declaration did accordingly Distrein the goods of the said Plummer, but the said Diggs did Distrein for no more than the Sum of Seventeen shillings and Six pence half penny which Sum is Short of the Sum Actually Tendered by the said Plummer to the said Digges by which Distress so as aforesaid unjustly made, the said Plummer was Burthened with the payment of one hundred and thirty four pounds of Tobacco as officers fees that the said Plummer being also Indebted unto the said Digges as receiver as aforesaid in one half Years rent for the said Land due the twenty fifth Day of March last did Accordingly

L. H. J. on the twenty Sixth of the same month and afterwards make a tender
 Lib. No. 45 of the Sum of Eight Shillings and nine pence half penny Sterling to
 the said Digges at his Dwelling house aforesaid as the full amount
 of the half years rent Due thereon which the said Digges refused to
 receive but ordered the said Plummer to go to St Marys and pay the
 same there or that he the said Digges would Distrein for the Same,
 that the said Digges did accordingly Distrein the goods of the said
 Plummer for the said Eight Shillings and nine pence half penny for
 half a years rent due as aforesaid notwithstanding the tender thereof
 to the said Digges so as aforesaid by the said Plummer made by
 p. 804 which Distress also, so as aforesaid made the said Plummer was
 Charged and Burthened with the payment of the further Sum of one
 hundred and thirty four pounds of Tobacco Officers fees. All which
 Actings and Doings your Committee Conceive to be a great bur-
 then aggrivance and Oppression upon, and an Abuse of the Rights
 and Liberty of the Subject and greatly tend to Alienate the affec-
 tions of his Lordships Tennants from his Lordships good rule and
 Government.

Signed p Order of the Committee S. Bordley Ck.

George Plater Esq^r from the upper house Delivers to M^r Speaker
 the Bill Entituled an Act receiving and Continuing an Act of Assem-
 bly of this province Entituled an Act for the Speedy Recovery of
 small Debts out of Court before a Single Justice of the peace. In-
 dorsed (See pages 216 and 218.)

The House Adjourned untill the morrow Morning 9 of the Clock.

May 11

Friday Morning May 11th 1739

The House met according to Adjournment. the Petition of John
 Lang Rector of St James Parish in Ann Arundell County praying
 leave to bring in a bill to Enable him to make leases for three lives
 or 21 years of two Tracts of Land lying in the County aforesaid
 devised for the use of the petitioners Parish Church the one Contain-
 ing about one Hundred Acres lying near Herring Creek Church the
 other Called Wrighton lying near pig point Containing about 500
 Acres in Consideration of the Petitioners making Improvements on
 the said Lands for the Benefit not only of himself but his Successors
 in office, Read and granted. The Petition of Charles and Clement
 Sewall Read and the facts therein set forth referred to the Examina-
 tion of Coll King M^r Goldsborough M^r Gale M^r Henry Coll: Colvill
 and M^r Hynson or any three of them who are to make report of the
 facts as they find them. Benjamin Tasker Esq^r from the upper
 hous Delivers M^r Speaker a petition of Severall the Inhabitants of
 Prince Georges County &c. praying leave to have a Separate County
 from that in which they Reside to have Separate Magistrates and

Build a Court House. And the Petition of the Inhabitants of the back parts of Prince Georges County and the adjacent places praying leave to Discharge their Taxes in money. Severally Indorsed by the upper house of Assembly. Recommended to the Consideration of the lower house of Assembly.

L. H. J.
Lib. No. 45

The House adjourns till Two of the Clock in the afternoon.

Post Merediem. The House met according to Adjournment. Col^t Hanson from the Committee of Elections and Priviledges Delivers M^r Speaker the following Report

By the Committee of Elections and Priviledges 11th May 1739.

Your Committee having Examined the writs and Inspected the several Indentures of the members returned to serve in this Assembly do find that the Several Writs Directed to the Several Sherriffs of this province are duly returned Except the Sheriff of S^t Marys County who hath not returned the writ of Election annexed to the said Indentures according to the Tenour thereof. Likewise find that M^r John Read M^r James Waughop M^r James Swann and M^r Thomas Aisquith members returned for St. Marys County are duly Elected. That Col^t Robert Hanson M^r Bayne Smallwood M^r William Middleton and M^r John Courts Members returned for Charles County are duly Elected.

That Col^t John Mackall M^r Walter Smith, M^r James Weems and M^r Joseph Hall Members Returned for Calvert County are Duly Elected. That M^r Turner Wootton Maj^r Edward Sprigg M^r John Magruder and M^r Osborn Sprigg Members Returned for Prince Georges County are Duly Elected.

That Doc^r Charles Carroll M^r Vachel Denton M^r Phillip Hammond and Cap^t Thomas Gassaway Members Returned for Ann Arundell County are Duly Elected. p. 805

That Daniel Dulany Esq^r and Cap^t Robert Gordon Members Returned for the City of Annapolis are duly Elected. That Cap^t Thomas Sheredine M^r Roger Matthews M^r John Moale M^r Richard Caswell Members Returned for Baltimore County are Duly Elected. That Col^t Robert King M^r William Stoughton M^r Robert Jenkins Henry and M^r John Gale Members Returned for Sumerset County are Duly Elected. That Col^t Henry Hooper Cap^t Henry Trippe Cap^t Bartholomew Ennalls and M^r John Brannock Members Returned for Dorchester County are duly Elected.

That M^r Nicholas Goldsborough, M^r William Thomas M^r Edward Lloyd and M^r Robert Lloyd Members Returned for Talbot County are duly Elected.

That M^r Grundy Pemberton M^r Solomon Clayton M^r Thomas Wilkinson and M^r Edward Wright Members returned for Queen

L. H. J. Lib. No. 45 Anns County are duly Elected. That M^r Charles Hynson M^r George Wilson, M^r William Harris and M^r James Calder members, Returned for Kent County are duly Elected. That M^r Joshua George, Cof^t Thomas Colvill M^r William Rumsay and M^r Thomas Johnson Members Returned for Cecil County are Duly Elected. All which your Committee Humbly Submitt To the Consideration of this House.

Signed p Order Tho^s Jenings, Clk of Committee

Edmund Jenings Esq^r from the upper house Delivers a petition of Robert Morris Factor of ffoster Cunliffe Merchant in Liverpool in that part of great Brittain Called England and James Edge Factor of Richard Gildart in the same place Merchant in behalf of their Constituents, Merchants In great Brittain. Indorsed by the upper house of Assembly Referred to the Consideration of the lower house of Assembly. Cof^t Hammond from the upper house Delivers M^r Speaker the bill Entituled an Act for Encouragement of Abraham Wood of S^t Marys County to build Mills. Indorsed by the upper house of Assembly May 11th 1739, Read the first and second times by Especial order and will pass. Which bill was here Read and passed for Ingrossing. The Report of the Committee of aggrievances &c in relation to James Plummer being read the house Concurs therewith and Ordered that the Clerk make out Summons's for M^r William Digges of Prince Georges County therein Complained of, to appear before this house on Thursday next being the 17th of this Instant to Answer the Complaint and summons Plummer Josias Toogood Tho^s Crabb and Nathaniel Wickham to attend as Evidences which Summons's Issued accordingly.

The House Adjourned untill the Morrow Morning 9 of the Clock

May 12

Saturday Morning May 12th 1739.

The House met according to adjournment.

The Petition of Robert Morris etc. and James Edge etc. being Read and Considered was Rejected.

On Reading the Petition of the Inhabitants of the Back parts of Prince Georges County and Other; the Consideration on the Question referred to the next Session of Assembly.

On Motion leave given to bring in a bill for the Relief of the Back Inhabitants of Prince Georges County.

The House adjourns untill Monday Morning 9 of the Clock

May 14
p. 806

Monday Morning May the 14th 1738.

The House met according to adjournment.

James Hollyday Esq^r from the upper House Delivers M^r Speaker a petition of the vestry and Sundry Inhabitants of Queen Anns

Parish in Prince Georges County Indorsed, Referred to the Con-
sideration of the Lower House of Assembly. The Petition being
here Read by which it is prayed that a bill may be Brought in to
levy one Hundred pounds Current Money on the Taxable persons
of said Parish Towards Ground Ceiling, for, and Repairing the
Chappell in the said Parish built by the Reverend M^r Henderson his
Espouse deceased, and that the said Chappell may be deemed a Chap-
pell of the said Parish and at all times hereafter be Repaired etc.
at the Parish Charge. Leave given to bring a bill. The House
Adjourned untill 2 of the Clock in the afternoon

L. H. J.
Lib. No. 45

Post Meridiem. The House Met according to adjournment.

George Plater Esq^r from the upper House Delivers M^r Speaker a
Petition of Joseph Williams and Richard Snowden Praying Leave
to bring in a bill to Cut of the Entail of a Tract of Land Called
Williams Range and to Entail Lands in leiu etc. and the Petition of
Benjamin Howard praying leave to bring in a bill to Cut of the
Entail of a Tract of Land Called Ropers Neck and to Entail Lands
in Leiu thereof. a bill Entituled an Act for Isuing writs of Replevin
out of the County Courts Read the first time and ordered to lye on
the Table.

Philip Lee Esq^r from the upper house Delivers M^r Speaker a
petition of the Inhabitants about Monoccacy and above the mountains
on Potomack River on the Back part of Virginia. a Petition of the
Inhabitants at and about Monoccacy Creek. A Petition of the
Inhabitants to the Northward of the Blue Ridge alias Chenandore
Mountain, by which Petition the Several Petitioners pray a Road
may be Cleared through the Country from the City of Annapolis for
the more Easy Carriage of their Grain Provisions and other Com-
moditys which Petitions by the upper House are Indorsed. Recom-
mended to a Consideration of the Lower House

The Several Petitions read and Referred for Consideration on
the morrow. The bill Entituled an Act for the Benifit of the poor
and Encouragement of Industry Read the second time passed and
Sent to the upper House by M^r Henry and M^r Gale. Benjamin
Tasker Esq^r from the upper House Delivers M^r Speaker the Bill
Entituled an Act to Continue an Act of Assembly of this province
Entituled an Act for the Better releif of poor Debtors. Indorsed by
the upper House of Assembly May the 10th 1739 Read the first time
and Ordered to lye on the Table and Thus by the upper house of As-
sembly 14th May 1739 Read the second time and will pass with the
following Amendment, after the word, Assembly at the End of 5th
Line add these words, and to the End of the next Session of Assem-
bly that shall Happen after the End of the said three years.

Signed p Order J Ross Cl: Up^r House

L. H. J. The Petition of Benjamin Howard of Ann Arundell County praying
 Lib. No. 45 ing leave to bring in a bill to Cut of the Entail of a tract of Land
 Called Ropers Neck and to Entail Lands in lieu etc Read and leave
 given to bring in a bill as prayed.

The Petition of Joseph Williams and Richard Snowden praying
 Leave to bring in a bill to Cut of the Entail of a tract of Land lying
 in prince Georges County Called Williams Range and to Entail
 Lands in Leiu etc Read and Ordered that Coll: King M^r Golds-
 borough M^r Gale M^r Henry Coff Colville and M^r Hynson make
 Enquiry into the facts Contained in the Petition and Report the
 same.

The House adjourned untill the Morrow Morning 9 of the
 Clock.

May 15

Tuesday Morning May 15th 1739

The House met according to adjournment. The Several Pe-
 titions praying leave to have a Road Cleared thro, the County from
 Annapolis to Manoccacy Conijachola and other Back Settlements
 being this Day Read were Referred to the next Session of Assembly.
 On motion of a member ordered that the Committee of Aggravances
 make Inspection into the Laws by which the Officers receive the
 Several Duty's on Tobacco in this province and make report thereof.

M^r Dulany Chairman of the Committee apointed to preparair an
 p. 807 officers fee Bill makes Report To M^r Speaker that in rating the fees
 in the several Courts of this Province it appears to that Committee
 a hardship to rate the fees accruing in the admiralty office in To-
 bacco in Regard the Suitors in that Court were in the Generality
 Persons not Residing in this Province and those who were not Con-
 cerned in Making Tobacco, and Desired to know the Sense of the
 House whether that Committee might not be Impowered to rate
 Those fees in Money.

Ordered by the House that it be a Direction to the Committee to
 rate the Several fees in the Admiralty Court in Money. on Motion
 leave given to bring in a bill to ascertain the Gauge of Barrells for
 pork and Beef and the nett Quantity to be Contained therein. Coff
 Gale from the upper House Delivers M^r Speaker a Petition of
 Thomas Spalding, and Kathrine his wife recomended from the upper
 House praying leave to Bring in a bill to Dispose of an Estate in
 fee simple in a Tract of Land Called Coopers Purchase upon Settle-
 ment of a tract Called Crackburns purchase for the same Estate
 which Petiton was Read and ordered that Coff King M^r Golds-
 borough M^r Gale M^r Henry Coff Colvill and M^r Hynson Enquire
 into the facts Contained therein and Report the Same.

James Hollyday Esq^r from the upper House Delivers M^r Speaker
 the Bill Entituled an Act to Continue an Act etc Entituled an Act

supplementary to the Act Entituled an Act for Emitting and makeing Current ninety Thousand pounds Current money etc and to restrain some Evil practices of Sherriffs under Colour of the said Act Committed. L. H. J.
Lib. No. 45

Indorsed. (See pages 217 and 221.)

Edmund Jenings from the upper House delivers Mr Speaker a petition of the Rector Vestry & Church Wardens of Christ Church Parish in St Marys and Charles County's, Indorsed by the upper House of Assembly Referred to the Consideration of the Lower House of Assembly, which Petition being read praying that an Act may pass for levying on the Taxable Inhabitants of said Parish a Sum not Exceeding two Shillings and Sixpence p poll p annum till a Sum not Exceeding £500.00.0 be raised to be applied to provide Comely and Decent Ornaments for said Church etc the said Petition was ordered to be returned it not appearing to be Signed by a Majority of the Taxable Inhabitants of the said Parish. The House adjourned untill 2 of the Clock in the afternoon.

Post Meridiem. The House met According to Adjournment.

Mr Robert Jenkins Henry brings in a Bill Entituled an Act for ascertaining the gauge of Barrells for Pork and Beef and the quantity of Pork and Beef to be therein Contained which was Read the first time and ordered to lye on the Table. The Petition of Charles & Clement Sewall referred to the Consideration of the next Assembly.

A Bill Entituled an Act reviving an Act for Naturalization. Read the first time and Ordered to lye on the Table.

A Bill Entituled an Act reviving an act Entituled an Act for licensing Pedlars and Hawkers, read the first time and ordered to lye on the Table. A bill Entituled an Act Reviving an Act Entituled an Act Concerning Ordinaries and for the better Regulating of Innholders and Ordinary Keepers within this province. Read the first time and ordered to lye on the Table. The House adjourned untill to Morrow Morning at 9 of the Clock

Wednesday Morning May 16. 1739.

May 16
p. 808

The House met according to adjournment all present as on Yesterday Except Mr Stoughton Coff King from the Committee apointed to Enquire into the facts Contained in the Petition of Thomas Spalding and Catharine his wife Delivers Mr Speaker the following Report. By the Committee apointed to Enquire into the facts Contained in the Petition of Thomas Spalding and Catherine his wife May 16th 1739.

L. H. J.
Lib. No. 45

Your Committee find on Inspecting the papers of the Petitioners the Land Called Crackburns Purchase Containing Two Hundred acres was Granted on the 24th Day of October Ann. Dom^r 1659 unto Richard Crackburn assignee of Walter Peak and Peter Mills assignee of Paul Simpson in fee. Your Committee further find that the said Richard Crackburn by his Deed bearing Date the 17th Day of November 1681, Did Bargain and Sell the said Tract of Land to Richard Gardiner of St Marys County in fee.

Your Committee also find that Richard Gardiner and Mary his wife of St Marys County ad^d Did Convey to Hugh Benson of the same County Planter one Hundred acres part of the said Tract in fee

Your Committee Likewise find that Mary the Daughter and Heiress at Law of Hugh Benson Intermarried with Bowling Speak of Charles County and that the said Bowling Speak and the said Mary his wife by their Deed bearing Date the 31st day of March 1739 did Convey the said Parcell of Land unto the Petitioners in fee.

All which said Deeds appear to your Committee to be duly Executed and an uninterrupted Possession passed therewith. Your Committee further find by the Information of Mess: Thomas Aisquith and James Swann Members of your House that the Land Called Crackburns Purchase Mentioned by the Petitioners is of greater Value in Quantity Quality and Improvements than that part of Land the Petitioners pray to be Enabled to Dispose of Called Seamour Town or known by the name of Leonards Town there being neither Improvements or Timber thereon all which is Humbly Submitted to the Consideration of the House.

Signed p order Rich^d Dorsey Clk Committee.

Which being read the House agrees to the report. Leave given to the Petitioners to bring in a bill as prayed

Ordered that no Petition be received in this House after Tuesday next. M^r William Rumsey a member Returned for Cecil County appeared this morning. Col^t Colvill and M^r Wilkinson Sent to the upper House To see him Qualified they Return and acquaint M^r Speaker they see him qualified by Taking the Severall Oaths to the Government required by Law and by Repeating and Signing the Test. The Gentleman took his place in the House. The Bill Entituled an Act for Issuing writs of Replevin out of the County Courts Read and Committed for Amendment. The House adjourns untill two of the Clock in the afternoon.

Post Merediem. The House met according to adjournment.

M^r George brings in a bill Entituled an Act for the Tryal of all Matters of [fact] in the Several Countys where they have arisen or

shall arise the Continuance of Causes in the Provincial Court, and adjournment of that Court Read the first time and ordered to lye on the Table. On Motion Leave given to bring in a bill for Inspection into flower offered to sale or for Exportation. The Bill Entituled an Act for Issuing writs of Replevin out of the County Courts Read with the amendments and ordered to lye on the Table. A Bill Entituled an Act Empowering the Reverend John Lang rector of S^t James Parish and his Successors to leave Lands, read the first time and ordered to lye on the Table.

L. H. J.
Lib. No. 45

The bill Entituled an Act reviving and Continuing an Act of Assembly of this province Entituled an Act for the Speedy recovery of Small Debts out of Court before a Single Justice of the peace being read the Question was put whether the Amendments to the said Bill proposed by the upper House be agree'd to or not. Resolved in the affirmative.

For the affirmative

| | | | |
|-------------------------|---------------------------|---------------------------------------|--------|
| M ^r Waughop. | M ^r Carroll. | M ^r Goldsborough | p. 809 |
| M ^r Read | M ^r Denton | M ^r Edward Lloyd | |
| M ^r Aisquith | M ^r Weems | M ^r Rob ^t Lloyd | |
| M ^r Swann | M ^r Courts | M ^r Thomas | |
| M ^r Willson. | M ^r Middleton. | M ^r Hooper | |
| M ^r Harris | M ^r Hanson | M ^r Trippe | |
| M ^r Hynson | M ^r King. | M ^r Ennalls | |
| M ^r Calder | M ^r Henry | M ^r Brannock | |
| M ^r Gale | M ^r George | M ^r Colvill | |
| M ^r Rumsey | M ^r Dulany. | M ^r Gordon | |
| M ^r Clayton | M ^r Pemberton. | M ^r Wilkison | |

For the Negative

| | | |
|--------------------------|--------------------------|------------------------------|
| M ^r Gassaway | M ^r Sheredine | M ^r Wootten |
| M ^r Smith | M ^r Matthews | M ^r Osborn Sprigg |
| M ^r Hall | M ^r Caswell | M ^r Magruder |
| M ^r Smallwood | M ^r Sprigg | |

The Amendment being made as proposed by the upper House the bill passed therewith for Ingrossing. on reading the Bill Entituled an Act to Continue an Act of Assembly &c Intituled a supplementary Act to the Act Entituled an Act for Emitting and making Current ninety Thousand Pounds Current money &^{ca} and to restrain some Evil Practices of Sherriffs &^c the Question was put whether the Amendment proposed by the upper House be made or not

Resolved in the affirmative

L. H. J.
Lib. No. 45

For the affirmative

| | | |
|--------------------------|---------------------------------------|-------------------------|
| M ^r Waughop | M ^r Weems | M ^r Hooper |
| M ^r Read | M ^r Courts | M ^r Trippe |
| M ^r Asquith | M ^r Middleton | M ^r Ennalls |
| M ^r Swann | M ^r Hanson | M ^r Brannock |
| M ^r Wilson | M ^r King | M ^r George |
| M ^r Harris | M ^r Henry | M ^r Colvill |
| M ^r Hynson | M ^r Gale | M ^r Rumsey |
| M ^r Calder | M ^r Edward Lloyd | M ^r Dulany |
| M ^r Carroll | M ^r Rob ^t Lloyd | M ^r Gordon |
| M ^r Denton | M ^r Thomas | M ^r Clayton |
| M ^r Pemberton | M ^r Wilkinson | |

for the Negative

| | | |
|--------------------------|-----------------------------|------------------------------|
| M ^r Gassaway | M ^r Goldsborough | M ^r Sprigg |
| M ^r Smith | M ^r Sheredine | M ^r Wootton |
| M ^r Hall | M ^r Matthews | M ^r Osborn Sprigg |
| M ^r Smallwood | M ^r Caswell | M ^r Megruder |

The amendment was made and the Bill passed for Ingrossing.

The Bill Entituled an Act to Continue an Act of Assembly of this province Entituled an Act for the Better relief of poor Debtors) Read and on the Question passed with the Amendment proposed by the upper House for Ingrossing. Coff Hammond from the upper House Delivers M^r Speaker the following Message. (See page 223.)

A bill Entituled an Act Empowering the Justices of Prince Georges County to levy on The Taxable Inhabitants of Queen Anns Parish in the said County the Sum of one Hundred pounds Current money of Maryland for the use therein mentioned. Read the first time and Ordered To lye on the Table. The House adjourned untill the morrow morning at nine of the Clock

May 17

Thursday Morning May the 17th 1739

The House met according to adjournment.

M^r Denton from the Committee of Laws brings in a bill Entituled an Act Reviving an Act Entituled an Act for the advancement of Justice as also an Act of Assembly Entituled a Supplementary Act to the Act for the Advancement of Justice. a bill Entituled an Act reviving and Continuing the Several Acts therein mentioned. A Bill Entituled an Act reviving An Act Entituled a Supplementary Act to the Act Entituled an Act laying an Imposition on negroes and on Several Sorts Liquor imported and also on Irish Servants to prevent the Importing too great a number of Irish papists into this province.

Which bills were severally read the first time and ordered to lye on the Table

L. H. J.
Lib. No. 45
p. 810

A Bill Entituled an Act for Cutting off an Entail and Investing an Estate of Inheritance in fee simple of and in part of a Tract of Land called Coopers purchase in Thomas Spalding and Katherine his wife and to Entail other Lands lying in St Marys County in Leiu thereof. Read the first time and Ordered to lye on the Table. The Report of the Committee of Aggrievances relating to the Complaint made by James Plummer against W^m Diggs the party Complained against being both heard at the barr of this house and Evidences Examined, the partys were ordered to withdraw. the House unanimously Resolved that the facts Complained of were made appear, and that the thing was irregular and Oppressive. Resolved further that M^r Diggs be Called in and that M^r Speaker Acquaint him with the Sense of the House and admonish him to avoid the like actions for the future. M^r Diggs was Called in M^r Speaker give him the following Charge. This House having Considered of the Complaint of James Plummer against you are of opinion that the thing in it Self is irregular and oppressive and that Altho' this person alone is Injured in this Particular, yet the thing in its Consequence may tend to the oppression of the People of this Province, Tennants to the Lord proprietary in General, in as much as you not only may by the same Rule use the same practice to others of whom you are to receive Rents, but that other Receivers of this province from your Example may do the same, you are therefore admonished not to be guilty of the like for the future, and you are ordered to pay the Expence accrued upon this Enquiry. the House adjourned untill 2 of the Clock in the afternoon.

Post Merediem. the house met according to adjournment.

M^r Matthews from the Committee of Aggrievances &c. Delivers M^r Speaker the following Report, Viz.

By the Committee of Aggrievance and Courts of Justice May 17th 1739 Your Committee having received Information that Charles Goldsborough late Clerk of Dorchester County Court did during his Continuance in the said office Contrary to all the rules of Law and Justice, demand and take from Sundry persons in the same County before he would do or Suffer to be done the business of such person in the said County Court, Several Recognisances in the penalty of very large Sums of Money or Tobacco, the Conditions of which said Recognisances were, that the said Cognizers in the said Recognisances mentioned should pay and satisfie unto Each of the Several officers of the said Courts their fee and fees then, at the time of the taking the said Recognisances respectively due, or which thereafter should be due, to the said officers from the said Cognizors in the said Recognisance respectively named.

L. H. J. That Since the said Recognisances so as aforesaid taken the said
 Lib. No. 45 Goldsborough having declined or been removed from his Service in the said office as Clerk and having since then also taken up the practice in the Law as aforesaid taken the necessary step towards obtaining and has actually Obtained Judgment for Executions on such Recognisances for the several officers fees pretended to be secured thereby and has Accordingly Issued out the several Executions requisite for the obtaining such fees by virtue of the said Recognisances and Judgments, and Continued in prison the persons or levied the Goods of the several Cognizors in the said Recognisances named by which means he has greatly multiplyed the fees of the said Several officers of the said County Court, and thereby also greatly Increased the Charge and Burthen of the said Cognizors to their prejudice oppression, and almost their undoing.

That the said Goldsborough did during his said Clerkship Demand and take from John Seward and Henry Claredge in particular, both of the said County such Recognisances as aforesaid on the occasion, and for the purposes aforesaid.

p. 811 That since his quitting his said Clerks place as aforesaid he the said Goldsborough obtained a warrant from a magistrate of the said County against the said John Seward for such fees as Accrued due to the said Goldsborough during the time of his Clerkship and which were also intended to be secured to him by the said Recognisance upon which warrant the said Seward was taken and carried before the said Magistrate, who upon hearing both parties did order and adjudge the said Seward to pay unto the said Goldsborough the said fees or so many thereof, as to the said Magistrate seemed due and payable. That notwithstanding such Judgment as aforesaid Obtained, and the liberty of Executing the said Seward thereon, of which the said Goldsborough could not be Ignorant, he the said Goldsborough has proceeded & still Continues to proceed towards the obtaining against the said Seward, an Execution on the said Recognisance for the said fees by which means the said Seward is not only under an apprehension of being burthened with an additional weight of Costs and Charges but is also fearfull of being twice Executed as he has already been twice vexed and Troubled for the same Debt. All which Actings and Doings your Committee Conceive to be directly Contrary to the known rules of Law, Reason and Justice; and a great Burthen Aggrievance, and oppression upon his magisties Liege Subjects the good people of this province and Humbly submit the same to this House.

Signed p order of the Committee S. Bordley Clk.

The report being read the House Concurs therewith. Ordered that the Evidences that Attended on the Summons of this house in

relation to James Plummers Complaint be allowed as the fees were taxed the last Assembly to Evidence that attended. L. H. J.
Lib. No. 45

The House taken into Consideration the behaviour of M^r John Leeds whilst in the office of a Magistrate of Talbot County and the Representations thereof made at the last Assembly and the proofs thereon. the Question was put whether M^r John Leeds shall be sent for to answer the same or not. Resolved in the affirmative.

Ordered that the Clerk Issue Summons for M^r John Leeds to attend this House forthwith. M^r Denton from the Committee of Laws delivers M^r Speaker an Ingrossed bill Entituled an Act reviving and Continuing an Act of Assembly of this province Entituled an Act for the speedy recovery of small Debts out of Court before a Single Justice of Peace. An Ingrossed bill Entituled an Act to Continue an Act of Assembly of this province Entituled a Supplementary Act to the act Entituled an Act for Emitting and making Current ninety Thousand pounds Current money of Maryland in bills of Credit and to restrain some evil practices of Sherriffs under Colour of the said act Committed.

And an Ingrossed bill Entituled an Act to Continue an Act of Assembly of this province Entituled an Act for the better relief of poor Debtors which bills were Severally read assented to, and sent to the upper house with the paper bills by M^r Henry and M^r Hall.

M^r Rumsey appointed one of the Committee to Inspect the Accounts and proceeding of the Comm^{rs} for emitting bills of Credit &c. in the room of M^r Moale at the request of the Committee of Aggreivances ordered that the Clerk Issue summons for M^r Tho^s Bullen of Talbot County, to Attend this House forthwith it being moved by a member that the Sherriff of Cecil County by order of the Cheif Justice of the provincial Court had Employed a guard to prevent William Turner from breaking prison and escaping his Custody and that the sherriff be allowed his reasonable Charge for so doing Ordered that the Sherriff bring in his Account.

The House adjourned untill to morrow morning at nine of the p. 812
Clock

Friday Morning May 18th 1739

May 18

The House met according to adjournment. Coll King from Committee of Accounts brings in an Account Delivered to the Committee by M^r Goldsborough Sherriff of Talbot being for Expences he was put to for hiring a particular Guard to prevent William Turners breaking prison who was Committed to his Custody the Question was put whether the said Account be Allowed or not. Resolved in the negative.

L. H. J.
Lib. No. 45

For the affirmative

| | | |
|-------------------------|-----------------------------|--------------------------|
| M ^r Hooper | M ^r Aisquith, | M ^r Henry |
| M ^r Hynson | M ^r Gale | M ^r Trippe |
| M ^r Calder | M ^r Goldsborough | M ^r Brannock |
| M ^r Gassaway | M ^r Edward Lloyd | Co th Colvill |
| M ^r Hanson | M ^r Robert Lloyd | M ^r Rumsey |
| M ^r King | M ^r Thomas. | Cap ^t Gordon |

For the Negative

| | | |
|------------------------|--------------------------|------------------------------|
| M ^r Waughop | M ^r Courts | M ^r Edward Sprigg |
| M ^r Read | M ^r Middleton | M ^r Wootton |
| M ^r Swann | M ^r Smallwood | M ^r Osborn Sprigg |
| M ^r Willson | M ^r Ennalls | M ^r Magruder |
| M ^r Harris | M ^r Sheridine | Cap ^t Wright |
| M ^r Smith | M ^r Matthews | M ^r Clayton |
| M ^r Hall | M ^r Caswell | M ^r Pemberton |

a bill Entituled an Act repealing an Act Entituled an act for the Speedy and Efectual Publication of the Laws of this province and for the Encouragement of William Parks of the City of Annapolis Printer as also one other act Entituled an Act reviving an Act of Assembly Entituled an Act for the Speedy and Efectual Publication of the Laws of this province and for the Encouragement of William Parks of the City of Annapolis Printer and also one other act Entituled a Supplementary Act to the Act Entituled an Act for the Speedy and more Efectual Publication of the Laws of this province and for the Encouragement of William Parks of the City of Annapolis Printer, a bill Entituled an Act for the more Speedy and Efectual publication the Laws of this province and for the Encouragement of Jonas Green of the City of Annapolis Printer Severally read the first time and Ordered to lye on the Table. The report from the Committee of Aggrievances &c. relating to M^r Charles Goldsborough being this day read M^r Goldsborough was called in to make his Defence, he appeared and being heard was ordered to withdraw on the Consideration of the report and M^r Goldsboroughs Defence. Resolved that the method taken by Charles Goldsborough in requiring Recognizances for fees is Illegal, and that he be admonished to avoid the like practices, for the future.

Ordered that M^r Goldsborough be Called in and that M^r Speaker Acquaint him with the sense of the House.

M^r Goldsborough was Called in M^r Speaker gave him the following Charge Viz.

M^r Goldsborough. This House is of oppinion that the Method lately taken in requiring Recognizance for fees is Illegal and that the practice you been Guilty of Towards John Seward of Dorchester

County (as reported to this House by the Committee of Ag-
greivances) is most vexcatious Letigious Crewell and oppressive,
and admonish you against such Practices for the future you are to
pay the fees Ariseing on this Enquirey or be Committed into the
Serjants Custody untill you do so. M^r Goldsborough ordered to
withdraw. L. H. J.
Lib. No. 45

The House adjourned untill two of the Clock in the afternoon.

Post Merediem. the House met according to adjournment

M^r Hynson, M^r Trippe and M^r Edward Lloyd have leave to go
home. on Motion Leave Given to bring in a bill to Compell the Sher-
riffs of the several Countys within this province to keep their pris-
oners in the Publick Goal in each County when built.

The bill Entituled an Act for ascertaining the gauge of barrels
for pork and beef &c.

Read the second time and passed Sent to the upper House by
M^r Henry and M^r Wilkinson

the bill Entituled an Act empowering the Reverand John Long
Rector of S^t James Parish and his Successors to lease Lands, read the p. 813
second time passed and sent to the upper House by M^r Denton and M^r
Hall. the bill Entituled an Act for Cutting of the Entail and Investing
an Estate of Inheritance in fee Simple of and in part of a tract of
land Called Coopers Purchase in Thomas Spalding and Katharine
his wife &ca. read the second time passed and Sent to the upper
House by Cott King and M^r Swann.

The House adjourned untill to morrow morning nine of the Clock

Saturday morning May 19th 1739.

May 19

The House met according to adjournment. the bill Entituled an
Act repealing an Act Entituled an Act for the Speedy and Efectual
publication of the Laws of this province and for the Encouragement
of William Parks &c^a Read the second time passed sent to the upper
House by M^r Calder & M^r Harris. the bill for Issuing writs of
Replevin out of the County Courts read the second time passed and
[sent] to the upper House by M^r Hynson and Cap^t Ennells the bill
Entituled an Act Reviving and Continuing the Severall Acts therein
mentioned read the second time passed Sent to the upper House by
Cott Hanson and M^r Waughop. The Bill Entituled an Act reviving
an Act Entituled an Act for Naturalization. Read the second
time, passed, sent to the upper House by M^r Waughop and M^r
Swann. The bill Entituled an Act reviving an Act Entituled an Act
for the advancement of Justice as also an Act of Assembly Entituled
a Supplementary Act to the Act for advancement of Justice, read
the second time passed and Sent to the upper House by M^r Pemberton
and M^r Gale.

L. H. J. The Bill Entituled an Act for Continuing an Act of Assembly of
 Lib. No. 45 this province Entituled An Act to prevent Cutting up Tobacco plants
 Destroying Tobacco and Tobacco Houses and for ascertaining the
 punishment of Criminals guielty of the said offences read the second
 time passed and Sent to the upper House by M^r Robert Lloyd and M^r
 Osborn Sprigg. a bill Entituled an Act to prevent the Injuring Har-
 bours within this province. a bill Entituled an Act Enlargeing the
 Jurisdiction of the County Courts within this province. a bill En-
 tituled a Supplementary Act to the Act Entituled an Act to limit
 the Continuance of Actions in the Severall Courts within this Prov-
 ince and ascertaining the manner of Taking the Evidences of Sea-
 faring men and for granting appeals from the Chancery Court to
 the Governour and Council which bills were Severally read the first
 time and ordered to lye on the Table.

The bill Entituled an Act Impowering the Justices of Prince
 Georges County to levy the Taxable Inhabitants of Queen Anns
 Parish &c. the Sum of one Hundred pounds &^{ca} Read the second time
 and passed. Sent to the upper House by M^r Wootton and M^r Os-
 born Sprigg.

George Plater Esq^r from the Upper House Delivers M^r Speaker
 the Petition of Sundry persons interested in the Lots in Snow hill
 Town.

The Petition of Revin Patterson and Stephen Julian Peter Hen-
 rickson and Charles Patty, and the Petition of William Ratcliff
 Queen Anns County severally Indorsed referred to the Consideration
 of the Lower House of Assembly. The Petition of Sundry persons
 Interested in the lots in Snow hill Town read and Granted. on
 reading the bill Entituled an Act for Limitation of officers fees the
 Question was put whether the word Judge applied to the Register
 in the land office shall stand or the words his Lordship Agent or
 Regester in the land office be Incerted. Resolved the words his Lord-
 ships Agent or Register in the Land office be Incerted.

p. 814 For the word his Lordships agent or Regester in the land office

| | | |
|-------------------------|-----------------------------|------------------------------|
| M ^r Read. | M ^r Smallwood | M ^r Edward Sprigg |
| M ^r Wilson | M ^r Goldsborough | M ^r Wootton |
| M ^r Calder | M ^r Robert Loyd | M ^r Osborn Sprigg |
| M ^r Carroll | M ^r Brannock | M ^r Magruder |
| M ^r Gassaway | Co ^{ll} Colvill | M ^r Clayton |
| M ^r Weems | M ^r Sheredine, | M ^r Pemberton |
| M ^r Hall | M ^r Matthews | |
| M ^r Courts | M ^r Caswell | |

For the words Judge or Register in the Land office.

L. H. J.
Lib. No. 45

| | | |
|-------------------------|--------------------------|------------------------|
| M ^r Waughop | M ^r Smith | M ^r Thomas |
| M ^r Asquith, | M ^r Middleton | M ^r Hooper |
| M ^r Swann | M ^r Hanson | M ^r Ennalls |
| M ^r Harris | M ^r King, | M ^r Rumsey |
| M ^r Hynson | M ^r Henry | M ^r Dulany |
| M ^r Denton | M ^r Gale | |

A bill Entituled an Act for Limitation of officers fees being read the first time Ordered to lye on the Table. The House adjourned untill Monday morning at nine of the Clock

Monday Morning May 21st 1739

May 21

The House met According to Adjournment. M^r Moale appeared this morning

An Ingrossed bill Entituled an Act for Encouragement of Abraham Wood of Saint Marys County to bild Mills read and assented to and sent to the upper house with the paper bill by M^r Aisquith and M^r Smallwood. on Reading the Petition of William Radcliffe praying an Allowance for a Negro Slave who being apprehended and Committed for the Murther of another Slave died in Goal before Conviction. The Question was put whether the Petitioner be Allowed for the Slave that Died in Goal or not.

Resolved in the Negative.

for the affirmative

| | | |
|--------------------------|---------------------------------------|-------------------------|
| M ^r Waughop | M ^r Hanson | M ^r Brannock |
| M ^r Asquith | M ^r King | M ^r George |
| M ^r Willson | M ^r Wright | M ^r Colvill |
| M ^r Harris | M ^r Henry | M ^r Rumsey |
| M ^r Calder | M ^r Rob ^t Lloyd | M ^r Gordon |
| M ^r Denton | M ^r Thomas | M ^r Clayton |
| M ^r Middleton | M ^r Hooper | |

for the Negative

| | | |
|-------------------------|-------------------------------|--------------------------|
| M ^r Read. | M ^r Smallwood, | M ^r Matthews |
| M ^r Swann | M ^r Sprigg, | M ^r Caswell |
| M ^r Carroll | M ^r Osborn Sprigg, | M ^r Courts |
| M ^r Gassaway | M ^r Goldsborough | M ^r Gale |
| M ^r Smith | M ^r Ennalls | M ^r Wootton |
| M ^r Weems. | M ^r Sheredine | M ^r Megruder. |
| M ^r Hall | M ^r Moale | |

L. H. J.
Lib. No. 45 The House being Divided on this Question the same was determined in the Negative by the Voice of the Honourable Speaker. the Petition of Erwin Patterson and others praying an allowance for apprehending William Turner Read and Rejected.

Mr Matthews from the Committee of Aggrievances &c^a Delivers Mr Speaker the following Report.

By the Committee of Aggrievances and Courts of Justice
May 21st 1739.

Your Committee Humbly apprehend that his Lordship the Right Honourable the Lord Proprietary Levying Collecting and raising the Sum of fourteen pence Sterl p Tun on the Tunnage of every ship or Vessel trading into this Province (not properly belonging to the same) and applying the said Duty to his own use is against the reason and Institution of the said Duty as appears by the act for Port Duty's and Masters of Shipps made Anno 1661 and the uses to which the same kind of Duty is applyed in all other his Majesties American Dominions where paid, which Act your Committee suppose gave rise to the said Demand and which with Great Submission we humbly apprehend to be repealed by an Act made at a Session of Assembly held at the port of Annapolis the 5th day of September in the third year of the Reign of Queen Ann of Glorious and Pious Memory Anno Domini 1704 Entituled an Act Repealing all former Acts of Assembly heretofore made saving what are hereby Excepted

Your Committee most Humbly Conceive that his Lordships levying the said Tax or Imposition on the trade of this province under pretence and Colour of the said Law and applying the same to his
p. 815 own use is an Oppressive Burthen and aggrievance to his Majesty's Subjects but Humbly Submitt it to the Consideration of your Honourable House.

Signed p order of the Committee S. Bordley Clerk

on Reading this report the Consideration referred untill Wednesday Morning. the House adjourned untill two of the Clock in the afternoon.

Post Merediem. The House met according to adjournment

Mr Matthews from the Committee of Aggrievances &c^a Delivers Mr Speaker the following Report.

By the Committee of aggrievances and Court of Justice May 21st 1739 In pursuance as well of an order of your House of the 15th Instant given to your said Committee Directing them to Inspect the Laws by which the officers receive the several Duties on Tobacco in this province and to make report thereof, as of an order, Instruc-

tion and power given by your House to your said Committee, to send for books, persons, papers and Records, your said Committee beg leave to acquaint your House that they did on the 15th Instant in the forenoon, by letters Signed by their Clerk, by order of your Committee, give Notice unto the Several Naval officers of this province, being James Hollyday Esq^r George Plater Esq^r Benjamin Tasker Esq^r Philip Lee Esq^r and Colt Levin Gale, to attend your said Committee at three of the Clock in the afternoon of the same day, in order to inform them by what Laws of this province they receive the several Duties now taken on Tobacco Instead of whose Attendance in pursuance of the said Notice your said Committee in the aforesaid afternoon Received a writing Informing them that the said Naval officers had Severally received Letters from the Clerk of your said Committee, dated on the aforesaid 15th Instant Desiring them to attend at three of the Clock the said afternoon, and that they had laid the said Letters before the upper House of Assembly, who were of opinion, that it was not Consistent with the Dignity of their House to Suffer their members to attend the Lower House of Assembly, much less any Committee of it, but that their might not be the least pretence of any henderance given to the publick business they thought it proper to acquaint your said Committee that they Collect Twelve pence Sterl per Hogshead, by Virtue of an Act of Assembly, Entituled an Act for Settlement of an Annual Revenue upon her Majesty's Governor within this province for the time being made, in September 1704: that they Collect three pence Sterling per Hogshead, by virtue of an Act for raising a duty of three pence per hogshead on all Tobacco Exported out of this province for the uses therein mentioned, made in July 1732 that they Collect fifteen pence per Hogshead by virtue of an Act for Emitting and making Current ninety Thousand pounds Current money of Maryland in bills of Credit made in March 1732: that they also Collect three pence per hogshead by virtue of an Act of Assembly Entituled an Act for raising three pence per hogshead on all Tobacco Exported for Purchasing arms and Ammunition for the Defence of this province made in March 1734 and which said paper so as aforesaid Delivered to your said Committee was Signed by the said officers Respectively Viz. Benj^a Tasker Naval officer Annapolis, Philip Lee Naval officer North Potowmack; George Plater Esq^r Naval officer Patuxent. Levin Gale Naval officer Pocomoke: James Hollyday Naval officer Oxford: as by the said writing herewith returned to your House, relation being thereunto had may appear.

Your said Committee Humbly beg leave to acquaint your House that they find that at a Session of Assembly held at the port of Annapolis the 11th Day of July 1732 An Act did pass Entituled an Act for raising a Duty of three pence per hogshead on all Tobacco Exported out of this Province for the uses therein mentioned, which was

L. H. J.
Lib. No. 45

p. 816

L. H. J. to Continue untill the 29th Day of September 1733 and which said
 Lib. No. 45 act we find Continued by an Act made at a Session of Assembly
 held at the place aforesaid the 20th Day of April 1736 untill the 29th
 Day of September 1739.

Your Committee also find, that fifteen pence per hogshead is Imposed on Every hogshead of Tobacco to be Exported from and after the 29th day of September then next Ensuing, as may appear by an Act of Assembly made at a Session of Assembly held at the port of Annapolis aforesaid the 13th Day of March 1732: Entituled an Act for Emitting and making Current ninety Thousand pounds Current money of Maryland in bills of Credit.

Your Committee find at a Session of Assembly held at the same port the 20th Day of March 1734 an Act Did pass Entituled an Act for raising three pence per hogshead on all Tobacco to be Exported for Purchasing arms and Ammunition which was to Continue for three years and to the End of the next Session of Assembly which should happen after the Expiration of the said three years and which Law your Committee Conceive will Expire with this Session.

Your said Committee beg leave further to acquaint your house that they find an Act of Assembly made, and passed at a General Assembly begun and held at St Marys in this province the 27th Day of March in the nine and thirtieth year of the Dominion of Cecilius &c. annoque Domini 1671, Entituled an Act for the raising and providing a Support for his Lordship the Lord and proprietary of this province During his Natural Life and likewise a Supply towards the Defraying the Publick Charges of Government by which said Act, tis among other things recited that for and towards the Defraying the many great and necessary Expences of Government and to the Intent his Lordship, his Heirs and Successors absolute lords and Proprietaries of this province might for the future be Enabled in some Measure to Defray the[m] and in Particular to allow Competent Salaries and Encouragement to the Lieutenant Generals and Cheif Governors and to the privy Council of the lord and proprietary of this province for the Time being so as without prejudice to their private affairs, they might be Encouraged, and Reasonably required to attend unto the administration of Justice and other public Concernments it is by the said Act among other things Enacted, that from and after this first Day of September then next coming, there should be raised, levyed Collected and paid to his Lordship the Lord Proprietary of this province the Sum of two Shillings Sterling for Every hogshead and quantity of an hogshead of Tobacco, which should be at any time thereafter Shipped in any Ship or Vessel to be Exported out of this province or to any the Territories Islands, ports, Rivers, Creeks or places thereunto belonging provided always, that one half of the money by the said Act to be raised, be Employed towards the maintaining a Constant Magazine with arms and Ammu-

nition for the Defence of this province and Defraying other public
 and Necessary Charges of the Government, provided always that
 so long as the said Act should Continue his Lordship, his receiver
 or Receivers General, for the time being, should receive good sound
 and Merchantable Tobacco when tendered, for his said Lordships,
 rents or fines for Alienation of Lands reserved upon the severall
 and respective grants of Land in this province at the rate of two
 pence per pound, any thing in his Lordship's Grants to the Contrary
 thereof notwithstanding by which said act, it was also Enacted, that
 the same should Continue During the natural Life of the Right
 Honourable Cecilius then Lord and proprietary of this province, and
 for one Crop more next after his Decease and no longer as by the said
 Act relation thereunto being had may appear.

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Your Committee do further find, that by an Act of Assembly made
 and passed at a general Assembly, held at the City of S^t Marys the
 13th Day of April in the forty second year of the Dominion of the
 Right Honourable Cecilius &c Annoque Domini 1674 his Excellency
 Charles Calvert being governor Entituled an Act of Gratitude to his
 Excellency Charles Calvert Esq^r Cap^t General of Maryland after
 reciting the said last mentioned Act of Assembly throughout, it is
 Enacted that the said recited act, and all and Every the articles Provi-
 soes matters and things therein Contained should stand and be by the
 said Act ratified and Confirmed to all Intents and purposes according
 to the true intent and meaning of the said recited act not only for and
 during the Life of the Right Honourable Cecilius absolute Lord and
 proprietary of this province, and for one Crop after as aforesaid but
 also for and During the natural Life of the Right Honourable
 Charles Calvert Esq^r son and heir apparent of the said Cecilius then
 Lord proprietary, and no longer and that from and after the decease
 of him the said Cecilius Lord Proprietary, the said Duty and Imposi-
 tion of two shillings per Hogshead should be levied, raised, Col-
 lected and paid to the said Charles Calvert Esq^r for and during the
 term of his natural Life as af^d Provided always nevertheless, that
 all and Every the several provisoes in the said recited Act Contained,
 should during the Continuance of this act stand in full force and
 virtue and be Inseparably annexed thereunto, as by the said act,
 whereto your Committee Craves leave to refer, may appear. Your
 said Committee do further find that by an act made at a general As-
 sembly, held at the City of S^t Marys, the 15th day of May in the first
 year of the Dominion of Charles &c Annoque Domini 1676 En-
 tituled an Act for Continuing the payment of the Imposition of two
 Shillings per Hogshead during the life of the Honourable Cecilius
 Calvert Esq^r son and heir of the Right Honourable Charles
 absolute Lord and Proprietary of the province of Maryland and
 Avalon Lord Baltimore &c. in case he Survives his Lordship:
 after reciting both the aforementioned Acts it is Enacted that
 the said last recited act and all and every Articles: provisoes matters

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L. H. J. and things therein Contained, should stand, and be by this act rati-
 Lib. No. 45 fied and Confirmed to all intents and purposes according to the true
 intent and meaning thereof not only during the Life of his Lordship,
 the then Lord and proprietary of this province but also for and during
 the Natural Life of the Honourable Cecilius Calvert Esq^r his Lord-
 ships son and heir and no longer and in case the said Cecilius Calvert
 Esq^r should happen to Survive his then Lordship, then from and
 after his Lordships Decease, the said Duty and Imposition of two
 Shillings per Hogshead should be levied raised Collected and paid
 to the said Cecilius Calvert Esq^r for and during the term of his
 Natural life of his Lordship, the then Lord Proprietary of this
 province but also for and during the Natural life of the Honourable
 Cecilius Calvert Esq^r his Lordships son and Heir and no longer,
 and that in case the said Cecilius Calvert Esq^r should happen to Sur-
 vive his then Lordship, then from and after his said Lordship's De-
 cease the said duty and Imposition of two Shillings per Hogshead
 should be levied raised Collected and paid to the said Cecilius Calvert
 Esq^r for and during the term of his natural Life as aforesaid; pro-
 vided always Nevertheless that all and every the said Several pro-
 visoes in the said several acts Contained should during the Con-
 tinuance of this Act stand in full force and virtue and be Inseparably
 Annexed thereunto by the said Act relation being thereunto had
 may appear under which laws of 1671, 1674 and 1676 your Commit-
 tee Humbly Conceive the said Duty of two shillings per hogshead
 Continued to be levied and Received to and for the uses and purposes
 his Lordships Lieutenant Governor and Council for the time being
 and for maintaining a Constant Magazine with arms and Ammuni-
 tion for the Defence of this province, and for Defraying other pub-
 lick Necessary Charges of the Government untill the time when their
 late Majestys King William and Queen Mary of Glorious Immortal
 and pious Memory, assumed the Government of this province, and
 took the same under his protection, upon which Assumption
 and Change from a proprietary to their Majesty's Government, we
 find the following Act made and passed in the time of Lyonel Coply
 Esq^r Cap^t General and Governor in Chief in and over this their
 Majesty's province of Maryland, and Territories thereunto belong-
 ing, at an Assembly held at the City of St Marys on the tenth day
 p. 818 Anno Domini 1692 and in the fourth year of their said Majesty's
 reign Entituled an Act for the settlement of annual Revenue upon
 their Majesty's Governor within this province for the time being recit-
 ing the said first above mentioned act and reciting also that the free-
 men of this province then Assembled upon strict Scrutiny made into
 the primisses, did find that his Lordship had not only been
 very Deficient and at Small Charge and Expences in Maintain-
 ing a Magazine as aforesaid but that this province had been
 oblidged to defray all Publick Charges arising for the Support of
 Government, by way of an equal Assessment upon the Inhabitants

thereof, the several provisoes in the said last mentioned act notwithstanding; and also reciting further that his said Lordship, the aforesaid Moiety of two shillings per Hogshead under pretext of maintaining a Magazine as aforesaid had to the time of making this act Converted the same to his own use, to the Impoverishing of the Country and Defraud of the publick: and that his Lordship being then Incapacitated of Complying with what by the said act for the said Moiety of two shillings per hogshead, was required; it was therefore Enacted that the said one shilling per hogshead for the Defraying the Charges of Government aforesaid Commencing from the then present Shipping as well for such ships or Vessels as had then already Cleared before the making of this Act, as for such then remaining in this province should be raised levied Collected and paid unto our then Sovereign Lord and Lady the said King and Queen's most Excellent Majesties their Heirs and Successors for the Support of their Government for the time being, in and over this their Majesty's province, aforesaid and the Territories to the same belonging for Every Hogshead and quantity of an Hogshead of Tobacco, which had been for and during the time aforesaid or which should thereafter be at any time Shipped in any ship or Vessel to be Exported out of this province, or any the Territories Islands, ports, Rivers, Creeks or places thereunto belonging as aforesaid; provided always, and tis declared to be the true Intent and meaning of this act, that this Act or any thing therein Contained, should [not] be adjudged Construed, reputed or taken, any thing therein Expressed to the Contrary notwithstanding, to Disannul or make void his Lordship Right to the other Moiety of the said two shillings per hogshead, to be paid in Consideration of his rents and alienation money in Tobacco at two pence per pound, during the Term of his natural life, but that the same should be Kept, and by this law preserved to his Lordship, in as full and ample Manner as by the said last recited law was Expressed or Intended, or in the least to Discharge his Lordship of receiving the Rents aforesaid at two pence per pound as by the said recited act was Enjoined, during also the term of his natural Life nor, to Discharge his Lordship from Accounting for the arrears of the one Shilling per Hogshead for supporting the Government, and finding Arms and Ammunition, but that he should be Oblidged to all the aforesaid Matters and things as fully and strongly, as if the said recited Law were in full force; as by the said act whereto your Committee Crave leave to refer, may appear, which act among others we find Continued as a Law of this province by a general Assembly held at Annapolis the 28th Day of June in the Eleventh year of the Reign of our Sovereign Lord King William the third of England &c and in the year of our Lord God 1699.

Your Committee humbly observe, that, altho' the said Acts of 1671, 1674 and 1676 herein before recited had a duration respectively with

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L. H. J. the respective lives of the Right Honourable Cecilius Calvert, Charles
 Lib. No. 45 Calvert, and also of Cecil Calvert son and Heir of the said Right Honourable Charles Calvert that notwithstanding the sense of the Legislature then was that an act or acts Imposing a duty on Tobacco Exported to the use and Support of his Lordship's Government, did not Extend to the government under [their] Majesties, where-
 p. 819 fore we Humbly presume the said act of 1692, herein before recited, was made for the support of his Majesty's Governor and Government for the time being, as by the said act relation thereunto had may more at large appear. Your said Committee most Humbly beg leave further to observe that by what appears to them, the said Duty continued to be levied and raised by the said recited act of 1699, untill the year 1704, in the Reign of her late most Sacred Majesty Queen Ann of Pious memory, and at which time an Act passed Entituled an Act for Settlement of an Annual revenue upon her Majesty's Governor within this province for the time being; in which said act is recited the before mentioned Act made and passed in the year 1671 and after reciting also the Said Act before mentioned to have been made and passed on the 10th day of May in the year 1692 it is by the said act among other things Enacted, that the said one Shilling per hogshead for the Defraying the Charges of Government aforesaid as well for such ships or vessels as had then already Cleared before the making of this Act, as such then remaining in this province should be raised, levied, Collected and paid unto our the Sovereign Lady the Queen's most Excellent Majesty, her Heirs and Successors for the Support of her Government for the time being in and over this her Majesty's province aforesaid, and the Territories to the same belonging, for Every hogshead and quantity of an hogshead of Tobacco, which had been for and during the time aforesaid, or which thereafter should be at any time Shipped in any Ship or Vessel to be Exported out of this province or any the Territories Islands, ports, rivers Creeks, or places thereunto belonging as aforesaid; provided always, and it is by this Act Declared to be the true Intent and meaning thereof, that this act nor any thing therein Contained should be adjudged, Construed, reputed or Taken (any thing therein Expressed to the Contrary notwithstanding) to Disannul or make void his Lordships Right to the other Moiety of the said Two shillings per hogshead, to be paid in Consideration of his rents and Alienation money in Tobacco at Two pence per pound, during the term of his natural life, but that the same be kept and by this act preserved to his Lordship, in as full and ample manner as by the said recited law is Expressed or Intended or in the least to Discharge his Lordship of receiving the rents aforesaid at two pence per pound, as by the said recited Act is Enjoined, during also the term of his natural Life, nor to Discharge his Lordship from accounting for the arrears of one shilling per hogshead for support of the Government, and pro-

viding arms and Ammunition, but that he be obliged to all the aforesaid matters and things as fully and strongly as if the said recited Law were in full force, as by the said act, relation being thereunto had may appear and which said Act, your Committee humbly Conceive Continued in force until the year 1715, at which time also an Act passed at a Session of Assembly held on the 26th Day of April in the said year, Entitled, an Act Ascertaining the gauge and Tear of Tobacco hogsheads, and to prevent Cropping and defacing Tobacco Taken on Board Ships or Vessels upon freight, and for laying Impositions on Tobacco per the hogshead for the Support of Government, and for the Encourageing Settlements in this province by ascertaining the manner of paying the alienation fines and quit rents to the lord proprietary of this province on the Conditions therein mentioned, by which Act it is among other things recited that forasmuch as by the Enlargement of Tobacco hogsheads from the late gauge of Thirty Inches in the Diameter of the head to the gauge therein before ascertained and Enacted a Larger quantity of Tobacco would be Exported in each hogshead, whereby the several Duties and Imposts on Tobacco by the hogshead, would be Evidently retrenched and lessen'd unless a Just regard should be had to the preservation of them in their usual wealth and Value, which the then present General Assembly was highly obliged, to those duties having been Generally applied to the Support of Government, and for other the most Important affairs of this province and that therefore it was not only Just but Necessary that the duties upon the hogsheads which should be of the gauge in the said Act, Directed, should be in some sort Enlarged proportionably to the Enlargement of the said Gauge, it was therefore by the said Act also Enacted that from and after the 29th day of September then next there should be raised, levied, Collected and paid to the King's most Excellent Majestys his Heirs and Successors for the support of his Government for the time being in and over this province of Maryland, and the Territories to the same belonging, for Every hogshead of Tobacco which should be shipped in any ship or Vessel to be Exported out of this province, or any the Territories, Islands, ports, Rivers, Creeks or places thereunto belonging, on or after the 29th Day of September aforesaid, the sum of fifteen pence Sterling in lieu and stead of the twelve pence Sterling formerly Imposed on Every hogshead of the aforementioned former gauge, and for every hundred weight of Tobacco Exported in box, chest, Barrel or case, two pence half penny Sterling, and so pro rato for a greater or Lessor quantity: and it is also by the said act recited, that whereas the then present general Assembly on notice of the Decease of the Right Honourable Charles Lord Baltimore, then late proprietary of this province, had made their Humble application to the Right Honourable Benedict Leonard Lord Baltimore then Lord proprietary thereof, that he would be favourably pleased to accept of his rents and

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finest for Alienations in Tobacco at two pence Sterling per pound, in such manner and on such Condition and terms as his noble Ancestors had theretofore done, for the greater Ease to their Tenants in the payment of their rents and the better to Encourage the Cultivation and Settlement of the remoter parts of this their proprietorship, and that forasmuch as the Gratuity formerly settled on his said Lordship's ancestors for such their favours, was raised by Impost of twelve pence on the Exportation of Every hogshead or four Hundred pounds of Tobacco which Impost was determined by the death of the said then late lord Proprietary, so that at the time of making this Act his Lordship's rents were payable in money; but that forasmuch as to Continue the payment thereof in money would be wholly Impracticable from the great Scarcity of it, and that it would not only tend much to the Disappointment of his Lordship in the receipt of his rents, but also to the oppression of such Tennants as should hold their Lands under Conditions of such punctual payment as the Tenour of their Grants requires and to the Disinheriting many who would be obliged to Surrender their Estates for want of ability to Comply therewith, which in all probability would put a great Check to the future Cultivating the remote and forest Lands of this province, and be a Cause to several of those remoter Inhabitants to desert their (yet but poor) Improvements, to the Lessening the Revenue of the Crown and Discouraging the Enlargement of his Dominion in these parts; all which Inconveniences the then present General Assembly most Earnestly desired might be provided Against; and reciting also, that the quantity of Tobacco then usually Exported, or which might be Exported in a hogshead of the gauge by this Act Settled, Exceeded the quantity which was Commonly Reputed to be the Contents of an hogshead at the time when the aforesaid twelve pence per hogshead was Settled on his Lordship's Ancestors, for the making Easy the payment of his rents and fines for alienations aforesaid, and also, for that altho' the number of hogsheads annually Exported were Increased Since that time, yet for that the Value of his Lordship's rents were much more Encreased; it is by the said act Enacted, that from and after the 29th day of September then next, there should be raised, levied and Collected for every hogshead of Tobacco, which should be shipped in any ship or Vessel to be Exported out of this province, or any the Territories Islands, ports, Rivers, Creeks or places thereunto belonging, the Sum of Eighteen pence Sterling and for every Hundred weight of Tobacco Exported in box, Chest, barrel, or Case Three pence Sterling, and for every Hundred weight of Tobacco Exported in box, Chest, barrel or Case Three pence Sterling, and so pro rato for a greater or lesser quantity to the Kings most Excellent Majesty, his Heirs and Successors, for the uses hereafter Mentioned (over and above the aforesaid fifteen pence per Hogshead herein before Imposed) in lieu and stead of the twelve pence Sterling formerly Im-

posed on Every Hogshead, and applied to the use of the then late Lords proprietaries; and that the same duty of Eighteen pence per hogshead, should after the 29th day of September aforesaid from Time to time be paid and satisfied to the several and respective Naval officers of this province for the time being by the Master or Masters of every such ship or vessel respectively, in which &c. and that the said Naval Officers on receipt of the eighteen pence per hogshead aforesaid, should be, and are by this act, obliged to render an Account of and pay the same to the publick Treasurers of this province, after the same manner they were required to account for and pay the duties raised to defray the publick Charge of this province, to be by such Treasurers Accounted for and paid to the Right Honourable Benedict Leonard Lord Baltimore, then proprietary of this province in Case he should be favourably pleased to Accept the same in Consideration of his receiving his quit rents and Alienation fines during the Continuance of this act in Tobacco at the rate of two pence Sterling per pound after such acceptance by his said Lordship should be duly Signified to this province and that in case his Lordship should not think fit to accept thereof in manner aforesaid, then the said duties to be applied Towards the defraying the publick Charge of this province; and it is also by the said Act Enacted, that the same should Continue in force till the End of the next Session of Assembly that should happen of the 10th day of May then next, and no longer, as by the said act a relation thereunto being had may appear and by virtue of which last recited Act, your Committee humbly Conceive, the said duty for support of Government was levied and raised, untill his Majesty King George of Glorious Memory, was pleased to restore the Government of this province, [to] the Right Honourable Charles Lord Baltimore, the present Lord Proprietary of this province.

Your Committee humbly observe further, that upon his Lordships being so restored, and the Government again Changed, from his Majesty's to a proprietary Government in the year 1716, an Act passed at a Session of Assembly, held the 17th day of July, in the first year of the Dominion of the Right Honourable Charles Absolute Lord and proprietary of the province of Maryland and Avalon &c. and in the year of our Lord aforesaid Entituled an Act ascertaining the gauge and Tare of Tobacco hogsheads and to prevent Cropping and Cutting and Defacing Tobacco taken on board Ships or Vessels upon freight, and for laying Impositions on Tobacco per hogshead for the support of Government and for the Encouraging Settlements in this province by ascertaining the manner of paying his Lordships Alienation fines and quit rents for the Term therein proposed and for taking off the three pence per hogshead formerly raised for the Publick Charge: by which said Act, it is Among other things recited as is before mentioned to be recited, Concerning the

L. H. J. Enlarging the gauge in the Last aforesaid Act, said to be passed
Lib. No. 45 in the aforesaid year 1715, and tis by the said Act among other things
Enacted, that from and after the 29th day of September then next,
there should be levied, Collected and raised to the Right Honourable
the Lord proprietary, his Heirs and Successors for Every Hogshead
of Tobacco, which should be shipped in any ship or Vessel [to] be
Exported out of this province, or any the Territories, Islands ports,
Rivers, Creeks, or places thereto belonging, after the said 29th day
of September, the sum of fifteen pence in lieu, and stead of the twelve
pence Sterling formerly Imposed on every Hogshead of the fore-
mentioned former gauge, and for every Hundred weight of Tobacco
Exported in box Chest, barrel or Case Two pence half penny Ster-
ling, and so pro rato for a greater or lesser quantity, with a proviso,
that the money that should be raised by the said Duty should be
applied to those Ends and uses for which it had to that time been
raised, Viz. for the support of his Lordship's Government within
this province in manner following and not otherwise that is to say,
three pence of the said fifteen pence per hogshead for the Purchasing
p. 822 of Arms and Ammunition for the Maintaining a Magazine for the
better Defence of this province, and for the due preservation thereof
to be Collected by the proper officer, and paid to the Treasurer or
Treasurers of this province for the time being to be Disposed of to
the uses, aforesaid as the Governor and Council for the time should
Direct the other twelve pence to his Lordships Governor for the time
being actually Inhabiting and residing within this province for the
better Enableing him to Support the Honour and Dignity of Gov-
ernment and Effectually Execute the powers and authorities to him
Committed, to be Collected by the proper officers by him appointed,
and paid to such Governor as aforesaid: and that in Case of the
Death or absence of such Governor the one half of the said twelve
pence applied to the Governor as aforesaid, that should arise in such
a Vacancy, should be applied to the maintainance and Support of his
Lordships Council as should then preside, the other half to be ap-
plied towards Building a house for his Lordship's Governor, and be
Lodged in the Public Treasurer's hands for that use; and the said
act reciting also, that the General Assembly of this province, on the
26th day of April 1715 made their humble Application to the late
Right Honourable Benedict Leonard Lord Baron of Baltimore that
he would be favourable pleased to accept &c: as in the aforesaid Act
of 1715, is as aforesaid recited, Concerning the payment of his Lord-
ships quit rents and alienation fines, and reciting further that a Law
was then passed for raising of an Impost of Eighteen pence Sterling
per hogshead and three pence Sterling per Hundred on Tobacco
Exported out of this province in Box, Chest, barrel or Case, for the
use of the said Lord proprietary, in Consideration of his taken
rents and Alienation fines in Tobacco at two pence Sterling per

pound : & further reciting that his present Lordship the Right Honourable Charles Lord Barron of Baltimore, Since the Decease of his noble father the late Lord Benedict had Signified to the then present General Assembly, his Willingness to Accept of Any Additional Duty of Six pence Sterling per Hogshead in full Satisfaction for his quit rents and fines for Alienations, that arise or grow due within the said province during the Continuance of this Act, which was thought by the General Assembly to tend to the good of the generality of the poorer sort of Planters, and Especially those Orphans who held lands within this province it was thereby Enacted that from and after the 29th day of September then next, there should be raised, levied, Collected and paid for Every hogshead of Tobacco which should be shipped in any ship or Vessel to be exported out of this province or any the Territories Islands, ports Rivers Creeks or Places thereto belonging, the Sum of two Shillings Sterling, and for Every hundred weight of Tobacco Exported in box, Chest, barrel or Case four pence Sterling, and so pro rata for a greater or lesser quantity, to his Lordship the Lord Proprietary, in full Discharge and satisfaction of his quit rents and fines for Alienations, that should arise or grow due within this Province from and after the said 29th day of September then next, and that the said Duty of two shillings sterling per Hogshead, should after the said 29th day of September be paid to such officer or officers as his Lordship should think fit to apoint to receive or Collect the same, by the Master or Masters of every such ship or vessel respectively in which &^{ta} and by the said act the aforesaid act made in 1715 is revived and Continued in full force untill the 29th day of September then next, and no Longer, and this Act to Continue untill the 29th day of September which should be in the year of our Lord 1720 as by the said Act, where to your Committee Crave leave to refer themselves, may appear, and which said act giving the said duty to the governor here Actually Resideing was, as your said Committee, Conceives the Cause that in 1717 another Act passed at a Session of Assembly begun at the City of Annapolis on the 28th day of May in the said year, and in the first year of the Dominion of the Right Honourable Charles Absolute Lord and proprietary &^{ta} Entituled an Act ascertaining the gauge and Tare of Tobacco Hogsheads and to prevent Cropping Cutting and Defaceing Tobacco taken on board Ships or vessels upon freight and for laying Impositions on Tobacco per Hogsheads for the Support of Government, and for Encouraging Settlements in this province by ascertaining the manner of paying his Lordships Alienation fines and quit rents for the Term therein proposed, and for taking off the three pence per hogshead formerly raised for the publick Charge; which Among other things recites as is before mentioned to be recited Concerning the Enlargement of the gauge in the aforesaid act, said to be passed in the aforesaid year 1715, and it is

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L. H. J. by the said Act among other things Enacted that from and after the
Lib. No. 45 End of the then present Session of Assembly there should be levied
Collected and raised to the Right Honourable the Lord proprietary,
his heirs and Successors for every hogshead of Tobacco which should
be shipped in any ship or Vessel to be Exported out of this province,
or any the Territories, Islands, Ports, Rivers, Creeks or places there-
unto belonging, after the end of the then Present Session of Assem-
bly the sum of fifteen pence Sterling in lieu and Stead of twelve pence
Sterling per Hogshead, formerly Imposed on every Hogshead of the
aforementioned former gauge, and for every hundred weight of
Tobacco Exported in box, Chest, or case two pence half peny Ster-
ling and so pro rata for a greater or Lesser quantity, provided
always that the money that should be raised by the said Duty, should
be applied to those ends and uses, for which it had to that time been
raised Viz. twelve pence of the aforesaid fifteen pence per hogshead
to the Lord Proprietary for the support of Government, and the
remaining three pence of the said fifteen pence per Hogshead for the
Purchasing arms and Ammunition for the Maintaining a Maga-
zine for the better Defence of this province and for the due preserva-
tion thereof, to be Collected by the proper officer and paid to the
Treasurer or Treasurers of this province for the time being to be Dis-
posed of the uses aforesaid, as the Governor and Council for the
Time being should Direct, provided Nevertheless, that in the absence
of the Lord Proprietary himself out of this province one shilling part
of fifteen pence be applied towards the Maintaining the Station and
Dignity of his said Lordships Lieutenant Governor, actually In-
habiting and resideing within this province, and to such other neces-
sary uses toward the suport and Defence of the Lord Proprietary's
Government of this Province, as in his Lordship's Wisdom to him
should seem meet, and that in case of the death or removal of such
Lieutenant Governor from his Government the one half of the said
twelve pence applied to the Support of Government as aforesaid,
that should arise in such Vacancy, should be applied to the Main-
tainance and Support of such person of his Lordships Council as his
Lordship, by his Instructions to his Lieutenant Governor, or otherwise
should appoint to preside, and to such other Necessary uses Toward
the Support of his Lordships Government, as in his Lordships wis-
dom to him should seem meet; the other half towards Building a
house for his Lordships Lieutenant Governor for the time being to
recide in the money for the said Building to be Lodged in the pub-
lick Treasurers hands and, to be applied and layed out in such man-
ner and place as the Lord proprietor, or in his Absence his Lieutenant
Governor and Council should appoint; and the said Act also further
reciting, as is before mentioned to be recited, Concerning the pay-
ment and his Lordships receipt of his rents and Alienation fines, it
is also thereby among other things Enacted, that from and after the
then present Session of Assembly, there should be raised levied, Col-

lected and paid, for every hogshead of Tobacco which should be shipped in ship or Vessel to be Exported out of this province or any the Territories, Islands, ports, rivers, Creeks or places thereunto belonging the sum of Two Shillings Sterling, and for every Hundred weight of Tobacco Exported in box Chest Barrel or case four pence sterling and so pro rato for a greater or lesser quantity, to his Lordship the Lord proprietary in full Discharge and Satisfaction of his quit rents and fines for alienations, that should arise or grow due within this province from and after the end of the then present Session of Assembly, and the said Duty of two shillings Sterling per hogshead should after the end of the said Session be paid to such officer or officers, as his Lordship should think fit to appoint to receive or Collect the same, by the Master or Masters of every such ship or Vessel Respectively, in which &^{ta}: and it was by the said Act also Enacted, that the aforesaid Act of Assembly herein before mentioned to have been made and Passed in the aforesaid year 1716 should be and remain in full force and Virtue untill the last mentioned Act should Take place, and thereafter to be Entirely void, and thereby repealed; and it is in the said Act also Enacted, that the said Act should Continue untill the 29th day of September which should be in the year 1720 by the said Act, relation thereunto being had may appear; and under which act, and the several renewments thereof, his Lordship Continued to receive the duty thereby arising for support of Government, and in lieu of his quit rents and Alienation fines, untill the same determined on the 29th of September 1733, upon which Determination of the act aforesaid as appears to your said Committee, his Lordship has ever Since (under pretext and Colour of the afore recited act of 1704 in the Reign of Queen Ann of Pious Memory) caused the said twelve pence Sterling per hogshead to be levied Collected and raised to his own proper use. Your Committee humbly observe, that by the frequent Continuance and reenacting the said Act of 1692 during the time wherein the Government and protection of this province was in the Crown, that the Legislators did not deem the same, or any of them, perpetual but to have duration only with such governor or Government. Your Committee likewise observe, that it was the sense of the Legislators that Acts granting to the Proprietary for support of his Government did not extend to that of the King, as is plainly Manifested in the act of 1692, that of 1676 being still unrepealed, and having expressly its duration with the Life of Charles Lord Baltimore, Lord proprietary of this Province.

And again when the Government was restored to his Lordship the Lord proprietary, the Act of gauge and Tare was made for support of his Lordships Government, and other uses therein Expressed. and with great Submission, your Committee humbly Conceive that the Sense of the Legislators in this point is Clearly Expressed, that is,

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L. H. J. that the Act of 1704, or any other Act giving or granting to the
 Lib. No. 45 most sacred Majesty, his or her Heirs and Successors, a tax or other
 duty, was not meant or Intended to extend to his Lordship the Lord
 Proprietary of Maryland his Heirs or Assigns; and which is Clearly
 evinced in the act Entituled an Act for Transferring the payment of
 all such fines and forfeitures as shall hereafter arise or happen upon
 the Breach of any Penal Laws of this province to the Right Honour-
 able the Lord proprietary as by the said Act in the printed body of
 laws, folio 170 relation thereunto being had may fully appear And
 we humbly presume, that in no Construction of the words, sense
 Intendment or reason of the said act of Assembly, or by the Royal
 Charter, his Lordship Can be any ways Entitled to the said duty
 Granted to her most sacred Majesty of pious Memory, her Heirs and
 Successors the Support of Government for the time being, his said
 Lordship, nor his predecessors, being any ways party to the said Law,
 the grant of Customs and Subsidies in the Royal Charter in the fol-
 lowing words Viz. We do furthermore will, appoint and ordain,
 and by these presents for us our Heirs and Successors, we do grant
 p. 825 unto the now Lord Baltimore his Heirs and Assigns, that he the said
 Lord Baltimore his Heirs and Assigns, may from time to time for
 ever have and Enjoy the Customs and Subsidies in the ports, Har-
 bours, and other Creeks and Places, aforesaid within the province
 aforesaid, payable or due for Merchandize and wares, there to be
 Laded or unladed, the said Customs and Subsidies to be reasonably
 Assessed (upon any Occasion) by themselves and the people there
 as aforesaid; to whome we give Power by these Presents for us our
 Heirs and Successors, upon Just cause, and in due proportion, to
 Assess and Impose the same, and your Committee beg leave further
 to observe, that the Legislators made a manifest Difference between
 the government of the Crown and his Lordships Government, as
 appears by an Act Entituled an Act for the Continuance of Process
 within this province, on the Change of Government as by the said
 Act, in the printed body of Laws, folio 169 relation thereunto being
 had, may more fully and at Large appear. and we beg leave to
 observe, that the same also further appears from an Act made at a
 Session of Assembly, begun and held at the City of Annapolis on
 the 17th day of July in the first year of the Dominion of the Right
 Honourable Charles Lord Baron of Baltimore &c. Annoque Domini
 1716 Entituled an Act for the better Security of the peace and
 Safety of his Lordships Government and the Protestant Interest
 within this Province as by the said Act, also in the printed Body of
 laws, folio 161, relation thereunto being had, may more fully and at
 large appear. And his Lordship planly Manifests the same daily,
 in his writs and Other proceeding, wherein he dates the year of his
 Dominion, Commencing the same from the Year in which his late
 most Gracious Royal Majesty of Glorious memory was pleased to

restore him his Government of this Province, and which Government is distinguished from his Majesty's by his Lordships Commission to his Lieutenant General and Chief Governor in the following words.

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Baltimore,

Charles Absolute Lord and Proprietary of the Provinces of Maryland and Avalon in America, and Baron of Baltimore in the Kingdom of Ireland to a b of the Parish of S^t J in the Liberty of Westminster Esq^r and to all others to whome these Presents shall Come and any ways Concern, Greeting Know all men that we in Consideration of our regard and Effecton which we bear to you a b Esq^r and Reposing Special trust and Confidence in your loyalty prudence Conduct and fidelity have nominated Constituted and appointed and with the approbation of his most Sacred Majesty King George the second, do by these presents nominate Constitute and appoint you our said trusty and well A B Esq^r Lieutenant General and Chief Governor of our said Province of Maryland and Avalon in America and also Commander in Chief both by Sea and land of all the forces raised or to be raised within the limits of our said province or the Islands, Territories and Dominions thereunto belonging and over all such forces to appoint proper Officers, and them to move and Displace at your will and Pleasure: and further we do by these presents Impower and Authorize you our said Trusty and well beloved A. B. to Call and Summon any General Assembly or assemblies, and them to prorogue or Desolve at your will and pleasure and likewise in our name, but with the advice and Consent of our Council and Delegates of the freemen in the said Province in Assembly Convened, to make and Enact such laws as you and they shall think Convenient, for the good Government of our said Province as likewise to repeal or alter any law or laws whatsoever already enacted in the said Provinces, as you with the advice and Consent aforesaid shall think fit and Expedient, provided such Laws to be made and Enacted be not repugnant to the laws of Great Britain, nor Distructive or Invading of the Prerogative Royal granted to the Lord Proprietary of the said Provinces; all which Laws you are hereby required to Transmit to us for our Confirmation or Disallowance of them and [we] do further by these presents grant full power and Authority to our said Trusty and well beloved A. B. to Exercise Execute and put in practice all and every other power or powers Jurisdictions and authorities whatsoever, granted in and by letters Patents of his Majesty King Charles the first of Blessed memory unto our noble Ancestor Cecilius Calvert, baron of Baltimore his Heirs and Assignes in as ample a manner as if we were personally present, and generally to do execute and perform all manner of matters and things Necessary, for the good order, Government, Administration and Execution of Justice the maintainance of our Just

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L. H. J. Rights and prerogatives and for the Defence peace and Preservation
 Lib. No. 45 of our said Provinces and the Inhabitants thereof: to have and to hold the said offices, Stations and Powers with Singular the Rights Emoluments and Priveleges thereunto belonging or appurtaining, during our Pleasure, observe Nevertheless and Perform such orders and Instructions, as we from time to time shall send to you our trusty and well beloved A. b. provided always, that nothing herein before Contained, shall be deemed, Construed or taken to extend, or give any power and Authority to you the said a. b. to do Suffer acquiesce, or agree to any thing by means or reasons whereof, Either we or our Heirs may be Impeached, hurt or prejudiced in our Royalties, Jurisdictions Rights, Titles, property or Interest, of, in or to, our said Provinces, or any part thereof any thing herein before Contained to the Contrary in any wise notwithstanding, and Lastly we do by these presents, Revoke, Repeal and make Void all former Commission or Commissions formerly given or granted to any person whatsoever, Strictly Commanding and requiring all persons of what Degree or Condition whatsoever, to pay ready and due respect, Submission and Obedience to our said Trusty and well beloved A. B. Esq^r as they will answer the Contrary at their utmost peril, given at the City of Annapolis this 27th day of June in the Nineteenth year of our Dominion, Annoq: Domini 1733. Your Committee humbly observe, that if his Lordship had ever so Clear a Right, by Virtue of the said Law, to the aforesaid duty, yet he has not made the application thereof which was originally Intended by the Legislators, to wit for the payment of his Lordships Council, finding and Supplying a magazine for the Defence of this Province and other the necessary Charges of the Government, but that his Majesty's Subjects in this Province have been otherwise burthened, with and oblinded to pay the same. Your Committee humbly further observe that by what Acts appear to them at all times, made for the support of his Lordships Governor, Government, and Contingent Charges thereof, that the same has been Joined with a Consideration for his quit rents and Alienation fines, and which make it appear to your Committee, that the Legislators always deemed their granting Towards the support of his Lordships Government, as a mixed Consideration, not only for that Particular use, but towards a Compensation for the other Likewise.

Your Committee beg leave with great Submission most humbly to observe, that as the royal head is restrained by many laws, one of which may Suffice for the present, that of Consequence the Subject must likewise and that his Lordship Can assume no greater power or Prerogative then his most sacred and Royal Majesty. 1st of William and Mary, Section 2^d Chap 2^d of Rights and liberties that leving money for to the use of the Crown, by pretence of Prerogative without grant of Parliament, or for longer time, or in other manner than the same is or shall be granted, is Illegal, your Committee pray leave to make one observation on the foregoing Letter or Message

herewith returned, that the Honourable members which Composed the upper House at that time, were three more Exclusive of the five Honourable Members Signing, and that we Humbly hope it will always be understood, that your Committee did not require their Attendance as Councillors, of State, but as Naval officers. the length of this report we humbly hope will be excused, when the Necessity is Considered, of putting the matter in as Clear a light as your Committee were able to do, that from the Different Acts therein Recited you may be able to Judge the Intention of the Legislators as well as there Express words, and which Clearly appears to your Committee that the Act of 1704 granting to her Majesty, her Heirs and Successors doth not Intentionally or Expressly, Extend to his Lordship the Lord Baltimore, his Heirs and Assigns: but is most humbly Submitted to the Consideration of Your Honourable house.

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Signed per Order of the Committee S. Bordley, Clerk

The Letter or message referred to, by the foregoing report is as follows.

15th May 1739.

Gentlemen

We have Severally received letters from your Clerk, dated this day, desiring us to attend you at three of the Clock this afternoon, and have laid the said Letters before the upper House of Assembly who are of opinion, that it is not Consistent with the Dignity of their House, to Suffer their Members to Attend the Lower house of Assembly, much less any Committee of it but that there may not be the least pretence of any Henderance given to the Public Business, we think it proper to acquaint you, that we Collect twelve pence Sterling per hogshead by virtue of an Act of Assembly Entituled, an Act for Settlement of an Annual Revenue upon her Majesty's Governor within this province for the time being, made in September 1704, three pence Sterling per Hogshead by virtue of an Act for raising a duty of three pence per hogshead on all Tobacco Exported out of this province for the use therein mentioned, made in July 1732: fifteen pence per Hogshead by virtue of an Act for Emitting and Making Current ninety Thousand Pounds Current money of Maryland in bills of Credit made in March 1732: three pence per Hogshead by virtue of an Act of Assembly Entituled an Act for raising three pence per Hogshead on Tobacco Exported for purchasing Arms and Ammunition for the Defence of this Province made in March 1734

Benj^a Tasker N: Officer Annapolis

Philip Lee N: O: Potowmack

George Plater Naval officer Patuxent

Levin Gale N: officer Pocomoke

James Hollyday Naval officer Oxford

L. H. J. On Reading the report aforesaid, the same was referred for Con-
 Lib. No. 45 sideration on next Thursday

on Reading the report from the Committee of Aggrievances, &c. relating to the Complaint against M^r Taylor and M^r Mackiel, the further Consideration referred.

M^r Taylor, and M^r Mackiel ordered to attend this house from day to day untill they be Discharged. The House adjourned to the morrow morning at 9 of the Clock.

May 22 Tuesday Morning May 22, 1739. The House met according to adjournment.

M^r Trippe appeared this morning. on full hearing and Consideration of the Complaint made against M^r Peter Taylor and M^r John Mackiel by M^r John Brannock reported by the Committee of Aggrievances &c. Resolved Nemine Contra Dicente, that it Evidently appears to this House, that Peter Taylor, late sheriff of Dorchester County, Caused Judgments to be Entred up in march Court in the year 1735, against M^r John Brannock, a member of this House, and Nehemiah Lecompt, on a Judgment bond passed by the said M^r Brannock and the said Nehemiah Lecompt as his Surety, to Edmund Jenings, Esq^r for Secretary's fees, in the penalty of five Thousand pounds of Tobacco, Conditioned for the payment of all fees that thereafter should become due to the said Edmund Jenings Esq^r as Secretary of Maryland in any Action then Depending in the Provincial Court the said Brannock Plaintiff, against Henry Hill Defendant, altho, the said Brannock had prepared Tobacco to pay the said fees a Considerable time before the said March Court and
 p. 828 Actually Tendered the same to John Mackiel under sheriff to the said Peter Taylor he the said John Mackiel having the Principal Management of the said Peter Taylors Business as Sheriff of said County, which the said Mackiel refused to receive and that by Instigation of said Taylor and Mackiel Execution was taken out against the said M^r Brannock, upon which he was taken and arrested, and that at the time of his being so taken and arrested he had Tobacco ready to pay the said fee, and the Charge he was unjustly put to by the Entry of the said Judgment and the awarding Execution thereon, and requested the said sheriff to receive the same, which the said sheriff refused to do, and put the said Brannock into a loathesome prison to the great Hazard of his health; by all which proceedings the said M^r Brannock was put to great Cost and Charge, and most Grievously Injured and oppressed, as well in his Liberty as in his Property, Contrary to law, Justice and Humanity.

This House having found upon Examination of the Evidence against Peter Taylor late sheriff of Dorchester County, and John

Mackiel his under Sheriff on the report of the Committee of Ag-
grievances against them, that about Twenty other Judgments besides
that against M^r John Brannock mentioned in that report, on Judg-
ment Bonds of Sundry Persons in that County, passed to Edmund
Jenings Esq^r as Secretary of this Province, Conditioned for the
payment of fees to the said Secretary, were procured to be Entred
up in that County Court by the same Peter Taylor, who had the Col-
lection of the said fees, before any Demand was made of the said
fees from the Obligors in the said Bonds, Resolved that Procuring
the same Judgments to be so aforesaid entred up, and Executions
thereupon to Isue, and all Actions of the like kind, are Illegal Cruel
and Inhuman, and tend to the aggrivance and oppression of the
good People of this province.

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The Sergeant at arms ordered to take into Custody M^r Peter
Taylor and M^r John Mackiel.

Ordered, that M^r Taylor and M^r Mackiel appear at the bar of the
house.

M^r Speaker acquainted M^r Taylor and M^r Mackeil. This House
have fully Considered the report of the Committee of Aggrievances
against you, and have unanimously resolved that the facts therein
Contained are well Proved, and that your Behaviour therein not only
to the Complainant M^r Brannock, but to many others in like case
was Illegal, Injurious, Cruel and oppressive you are therefore ad-
monished against such Proceeding for the future, and to Consider,
that moderation, Tenderness and Mercy Towards your fellow Sub-
jects are becoming Virtues.

(to M^r Taylor) this house Likewise have taken Notice of your
Indecent Behaviour to one of the Honourable members thereof, while
you was at the bar, and resent it Accordingly, looking upon it not
only to be an Aggravation of your offence, but also a Contempt of
the Authority and Dignity of his House, for which I have received
the Commands of this House to Reprimand you, and I do accord-
ingly reprimand you. (To Both) you are therefore ordered to
pay the Charges arising on this Enquiry, and to Continue in the
Custody of the serjeant at arms untill they are paid. Col^t King,
from the Committee appointed to Examine the facts in Joseph Wil-
liams and Richard Snowden's petition, delivers the following report.
by the Committee appointed to Enquire into the facts Contained in
the petition of Joseph Williams and Richard Snowden of Ann Arun-
dell County, May 22, 1739. Your Committee, find, on Inspecting
the papers of the Petitioners that the land Called Snowdens search,
Containing one Hundred thirty three Acres, was granted unto Rich-
ard Snowden one of the petitioners on the 14th day of September
1737, in fee. Your Committee also find, that Sixty seven acres, part
of a Tract of land called Snowden's Reputation Supported, was

L. H. J. granted to the said Richard Snowden, on the 16th day of November
 Lib. No. 45 1726 in fee. Your Committee further find, that two hundred and
 Eighty Acres of Land Called Plumpton, was on the 26th day of
 p. 829 June 1663, granted to George Walker In fee, and that the said George
 Walker, by his Assignment on said Patents did Convey one Hun-
 dred Acres Parcel of the aforesaid Tract to John Foster in fee: and
 on the 8th day of December 1668, Assigned by the said John Foster
 to George Yate in fee and by the said George Yate Conveyed to
 Gabriel Parrot on the 8th day of November 1670, in fee: and by the
 said Gabriel Parrot devised by his last will and Testament among
 other Lands, to be Devided between the Male Children of George
 and Susanna Parker, and to their Heirs for ever.

Your Committee are further Informed, that Gabriel Parker is
 the only male Issue of the said George and Susanna Parker.

Your Committee likewise find, that the said Gabriel Parker, did
 on the 12th day of April 1729: Among other Lands Convey the afore-
 said Land Called Plumpton unto Richard Snowden, one of the Peti-
 tioners in fee. all which said deeds and Assignments appear to your
 Committee to be duly Executed and recorded, and uninterrupted
 Possession Passed therewith: and Your Committee further find, by
 the affidavits of Richard Davis and Leonard Wayman, taken in our
 Presence by William Rogers, Gent: one of the Justices of the Peace
 for Ann Arundell County, that the three aforementioned parcels of
 Land (to wit) Snowdens Search one hundred and thirty three Acres,
 also Sixty seven Acres part of a Tract of Land called Snowdens
 Reputation supported, and one hundred Acres part of Plumpton in
 the whole Containing three hundred Acres are of equal or greater
 Value in Quantity, quality and Conveniencies than the two hundred
 Acres mentioned in the aforesaid Petition called Williams Range.
 all which is humbly Submitted to the Consideration of the House.

Signed per order Richard Dorsey Cl. Com:

The House adjourns to 2 of the Clock in the afternoon.

Post Meridiem. The house met According to adjournment.

M^r Edward Loyd appeared this afternoon. M^r Denton and M^r
 George ordered to Tax the fees that arose on the Complaint against
 M^r Taylor and M^r Mackeil.

On Reading the bill, Entituled an Act for the Trial of all matters
 of fact, &c: the Question was put wheather the Judges that ride the
 Circuit be allowed more then thirty five Pounds Current money for
 each Circuit, or not, Resolved in the Negative.

For the Negative

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| | | |
|-------------------------|-----------------------------|------------------------------|
| M ^r Waughop | M ^r Hall | M ^r Moale |
| M ^r Read | M ^r Courts | M ^r Matthews |
| M ^r Asquith | M ^r Middleton | M ^r Caswell |
| M ^r Swann | M ^r Hanson | M ^r Edward Sprigg |
| M ^r Wilson | M ^r Smallwood | M ^r Wootton |
| M ^r Carroll | M ^r Goldsborough | M ^r Osborn Sprigg |
| M ^r Denton | M ^r Thomas | M ^r Magruder |
| M ^r Gassaway | M ^r Trippe | M ^r Wright |
| M ^r Smith | M ^r Ennalls | M ^r Clayton |
| M ^r Weems | M ^r Sheredine | M ^r Pemberton |

For the affirmative

| | | |
|-----------------------|----------------------------|-----------------------|
| M ^r Harris | M ^r Gale | M ^r Rumsey |
| M ^r Calder | M ^r Robert Loyd | M ^r Dulany |
| M ^r Hynson | M ^r Hooper | M ^r Gordon |
| M ^r King | M ^r George | |
| M ^r Henry | M ^r Colvill | |

The Bill Entituled an Act for the Tryal of all matters of fact in the severall Countys where they have arisen or shall arise. Read and Committed for amendments.

The house adjourned to the morrow Morning at 9 of the Clock.

Wednesday Morning, [May] 23, 1739. the House met according May 23 to adjournment Edmund Jenings Esq^r from the upper House, delivers M^r Speaker the Petition of Peter Hyat and James Ranton, Prisoners for debt in Prince Georges County Goal the Petition of William Gibson a Prisoner for debt in Queen Anns County Goal.

The Petition of Sarah Butcher a prisoner of Dorchester County Goal the Petition of Thomas Gough Joseph Large, Thomas Somes Ezekiel Orrick and Samuel Deaver Prisoners in for debt in Ann Arundell County Goal, Severally referred to the Consideration of this House, by the upper House which several Petitions read and granted, except the petition of Joseph Large and Thomas Somes, which are referred for further Consideration. The House Concurs with the report made by the Committee appointed to Enquire into the facts Contained In Joseph Williams Petition. Leave given to bring in a bill. p. 830

The house adjourned untill 2 of the Clock in the afternoon.

Post Meridiem. the House met According to adjournment.

Philip Lee Esq^r from the upper House delivers the bill Entituled an Act for Continuing an Act of Assembly of this province, Entituled

L. H. J. an Act ascertaining the gauge and Tare of Tobacco Hogsheads, &c,
Lib. No. 45 Indorsed. (See pages 218 and 234.)

The report from the Committee of Aggrievances &c. Concerning the fourteen pence Tunnage &c. being read and after debates thereon the Question was put, which of the two Questions Viz: Wheather the Governor shall be addressed on the report from the Committee of Aggrievances, or whether the House Concur with the report be first put. Resolved that the question, whether the House Concur with the report or not, be first put. for the question, whether the House Concurs with the Report being put.

| | | |
|-------------|-----------------|------------------|
| Mr Read | Mr Courts | Mr Moale |
| Mr Swann | Mr Middleton | Mr Mathews |
| Mr Wilson | Mr Smallwood | Mr Caswell |
| Mr Carroll | Mr Edward Lloyd | Mr Edward Sprigg |
| Mr Denton | Mr Ennalls | Mr Wootton |
| Mr Gassaway | Mr Brannock | Mr Osborn Sprigg |
| Mr Smith | Mr Colvill | Mr Magruder |
| Mr Weems | Mr Rumsey | Mr Wright |
| Mr Hall | Mr Sheredine | Mr Pemberton |

for the question, whether the Governor be addressed on the report of the Committee of aggrievances being first put.

| | | |
|------------|-----------------|------------|
| Mr Waughop | Mr King | Mr Gordon |
| Mr Asquith | Mr Henry | Mr Hooper |
| Mr Harris | Mr Gale | Mr Trippe |
| Mr Hynson | Mr Goldsborough | Mr George |
| Mr Calder | Mr Robert Lloyd | Mr Dulany |
| Mr Hanson | Mr Thomas | Mr Clayton |

the Question was put whether the House Concurs with the report, or not? Resolved in the affirmative.

For the affirmative

| | | |
|-------------|-----------------|--------------|
| Mr Waughop | Mr Weems | Mr Thomas |
| Mr Read | Mr Hall | Mr Trippe |
| Mr Asquith | Mr Courts | Mr Ennalls |
| Mr Swann | Mr Middleton | Mr Brannock |
| Mr Wilson | Mr Hanson | Mr George |
| Mr Harris | Mr Smallwood | Mr Colvill |
| Mr Hynson | Mr King | Mr Rumsey |
| Mr Calder | Mr Henry | Mr Sheredine |
| Mr Carroll | Mr Gale | Mr Moale |
| Mr Denton | Mr Goldsborough | Mr Matthews |
| Mr Gassaway | Mr Edward Lloyd | Mr Caswell |
| Mr Smith | Mr Robert Lloyd | |

For the Negative

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| | | |
|------------------------------|--------------------------|-----------------------|
| M ^r Edward Sprigg | M ^r Gordon | M ^r Hooper |
| M ^r Wootton | M ^r Wright | M ^r Dulany |
| M ^r Osborn Sprigg | M ^r Clayton | |
| M ^r Magruder | M ^r Pemberton | |

Benjamin Tasker Esq^r from the upper House delivers M^r Speaker p. 83¹
the bill Entituled an Act reviving and Continuing the several Acts
therein Mentioned. Indorsed. (See pages 230 and 233.)

The bill Entituled an Act reviving an Act Entituled an Act for the
advancement of Justice, &c Indorsed. (See pages 230 and 233.)

The bill Entituled an Act reviving an Act for Naturalization, In-
dorsed. (See pages 231 and 233.)

The bill Entituled an Act Empowering the Reverend John Lang,
Rector of S^t James' Parish, and his Successors, to lease Lands,
Indorsed. (See pages 228 and 233.)

The bill Entituled an Act empowering the Justices of Prince
Georges County to levy, &c: the Sum of one Hundred Pounds, &c.
Indorsed. (See pages 231 and 234.)

The bill Entituled an Act for Continuing an Act of Assembly
of this province, Entituled An Act to prevent Cutting up Tobacco
Plants &c. Indorsed. (See pages 230 and 233.)

and the bill Entituled, an Act, repealing an Act, Entituled an
Act for the Speedy and effectual Publication of the laws of this
province, &c, and for the Encouragement of William Parks &c.
Indorsed. (See pages 229 and 234.)

Cot. Gale from the upper House, delivers M^r Speaker the bill En-
tituled an Act for Issuing writs of Replevin out of the County Courts
Indorsed. (See pages 229 and 234.)

M^r George and M^r Denton, delivered M^r Speaker the following
report.

In pursuance of the order of the Lower House of Assembly, p. 83²
to Settle Sundry fees arising due to the Officers of that House,
(and Sundry evidence for Attendance) on a Complaint made there
against Peter Taylor and John Mackeil of Dorchester County, we
have proceeded to tax the same in manner following. To the

L. H. J. Clerk of this House for 5 Summonses for 26 Persons at 3/0 per
 Lib. No. 45 Summons

£ s. d.
 0..15.. 0

| | | |
|---|---|-----------|
| to the Serjeant, for Summoning and leaving Copy for | } | 9..18.. 0 |
| 26 persons at 3/0 | | |
| Boat Hire twice backwards and forwards | | |

To the following Evidences

| | | |
|--|-----------|-----------|
| To James Staton for 2 days attendance | } | 1..10.. 0 |
| at 5/0 | | |
| To ditto for 4 days itinerant Charges | } | |
| at 5/0 | | |
| To John Philips for 5 days attendance at 5/0 | 1.. 5.. 0 | |
| To ditto for 4 days itinerant Charge Last | | |
| Assembly at 5/0 | 1.. 0.. 0 | |
| To Ditto for 4 Ditto to this | 1.. 0.. 0 | 3.. 5.. 0 |
| To Thomas Pattison, for the Same Attend- | } | 3.. 5.. 0 |
| ance and itinerant Charges as John Philips | | |
| To Nehemiah Lecompt for the same | | 3.. 5.. 0 |
| To Andrew Matthews for the same | | 3.. 5.. 0 |
| To Charles Graham for 4 days Atten- | | |
| dance at 5/0 | 1..00.. 0 | |
| To ditto for 4 days itinerant Charges Last | | |
| Assembly | 1..00.. 0 | |
| To ditto for 4 ditto to this | 1..00.. 0 | 3..00.. 0 |
| To John Eccletton for 10 days Attendance | 2..10.. 0 | |
| To ditto for 4 days itinerant Charges Last | | |
| Assembly | 1..00.. 0 | |
| To ditto for 4 ditto this | 1..00.. 0 | 4..10.. 0 |
| To Jacob Lockerman for 7 days attendance | 1..15.. 0 | |
| To ditto for 4 days itinerant Charges Last | | |
| Assembly | 1..00.. 0 | |
| To ditto for 4 ditto this | 1..00.. 0 | 3..15.. 0 |
| To Matthew Driver, for the same Atten- | } | 3..00.. 0 |
| dance and itinerant Charges as Charles | | |
| Graham | | |
| To James Philips for 7 days attendance last | | |
| Assembly | 1..15.. 0 | |
| To ditto for 4 days itinerant Charges Then | 1..00.. 0 | 2..15.. 0 |

£42.. 3.. 0

J. George
 V. Denton

The House Concurs therewith. The bill Entituled, an Act for the Trial of all matters of facts [in] the Counties where they have arisen or shall arise, being read [with] the Amendment the Question was put, whether the said bill pass, resolved in the affirmative.

L. H. J.
Lib. No. 45

For the affirmative.

| | | |
|------------------------|-----------------------------|--------------------------|
| M ^r Waughop | M ^r Middleton | M ^r Hooper |
| M ^r Read | M ^r Hanson | M ^r Trippe |
| M ^r Asquith | M ^r Smallwood | M ^r Ennalls |
| M ^r Swann | M ^r King | M ^r Brannock |
| M ^r Wilson | M ^r Henry | M ^r George |
| M ^r Calder | M ^r Gale | M ^r Colvill |
| M ^r Carroll | M ^r Goldsborough | M ^r Rumsey |
| M ^r Smith | M ^r Edward Lloyd | M ^r Moale |
| M ^r Weems | M ^r Robert Lloyd | M ^r Clayton |
| M ^r Courts | M ^r Thomas | M ^r Pemberton |

For the Negative

| | | |
|--------------------------|------------------------------|------------------------------|
| M ^r Harris | M ^r Matthews | M ^r Osborn Sprigg |
| M ^r Denton | M ^r Caswell | M ^r Magruder |
| M ^r Gassaway | M ^r Edward Sprigg | M ^r Dulany |
| M ^r Hall | M ^r Wootton | M ^r Gordon |
| M ^r Sheredine | | |

The House adjourned to the morrow Morning at 9 of the Clock.

Thursday Morning May 24, 1739.

May 24
p. 833

The House met according to adjournment. the bill Entituled, An Act, repealing An Act Entituled an Act for the Speedy and Effectual Publication of the Laws of this province and for the Encouragement of William Parks, of the city of Annapolis printer &c. the bill Entituled, an Act empowering the Justices of Prince Georges County to levy on the Taxable Inhabitants of Queen Anns Parish in the said County, the sum of one hundred pounds Current money of Maryland for the uses therein mentioned.

The bill Entituled an Act for Continuing an Act of Assembly of this province Entituled, an Act to prevent Cutting up Tobacco Plants, Destroying of Tobacco and Tobacco Houses and for the ascertaining the punishments of Criminals Guilty of said offences. The bill Entituled an Act for reviving an Act for Naturalization

The bill Entituled, an Act empowering the reverend John Lang Rector of St. James Parish, and his Successors, to lease Lands. The bill, Entituled an Act, reviving an Act for advancement of Justice. The bill, Entituled an Act for Continuing an act of Assembly of this Province, Entituled an Act ascertaining the gauge

L. H. J. and Tare of Tobacco Hogsheads, and to prevent Cutting and Crop-
 Lib. No. 45 ping and Defacing Tobacco, taken on board Ships and Vessels upon
 freight. and the bill entituled, an act, reviving the Acts for re-
 lieving the Inhabitants from Some Aggrievances in the Prosecution
 of suits at Law Severally read, and passed for Ingrossing. Robert
 Newcomb, being Deputed by the serjeant at arms to serve the
 summons of this House for John Leeds, acquaints the House
 that John Leeds not being at home, he left the Summons with John
 Leeds wife at his house: the said Leeds not appearing, the Question
 was put wheather said John Leeds be sent for this Session by a
 warrant, or that sending for him be referred to next Session Re-
 solved that the Sending for him be referred to next Session.

For Referring.

| | | |
|------------------------|-----------------------------|--------------------------|
| M ^r Waughop | M ^r Courts | M ^r Magruder |
| M ^r Read | M ^r Middleton | M ^r Hooper |
| M ^r Asquith | M ^r Rumsey | M ^r Ennalls |
| M ^r Swann | M ^r Hanson | M ^r George |
| M ^r Hynson | M ^r Gale | M ^r Colvill |
| M ^r Calder | M ^r Robert Lloyd | M ^r Dulany |
| M ^r Carroll | M ^r Thomas | M ^r Pemberton |

For not Referring

| | | |
|-------------------------|-----------------------------|------------------------------|
| M ^r Wilson | M ^r King | M ^r Edward Sprigg |
| M ^r Harris | M ^r Goldsborough | M ^r Wootton |
| M ^r Denton | M ^r Brannock | M ^r Osborn Sprigg |
| M ^r Gassaway | M ^r Sheredine | M ^r Wright |
| M ^r Smith | M ^r Moale | M ^r Gordon |
| M ^r Weems | M ^r Matthews | M ^r Clayton |
| M ^r Hall | M ^r Caswell | |

The bill Entituled, an act for the Trial of all matters of fact in the
 Counties where they have arisen or shall arise: sent to the upper
 House by Col: King and M^r Harris it being moved by a member,
 that in the proceeding of the House, at the beginning of this Session,
 there appears a Manifest, Error Viz: that in the presence of Edmund
 Jenings, Esq^r and Col: Charles Hammond, and M^r John Ross
 Clerk of the Council, the Members of the Lower House took the
 Oaths of Allegiance, abhorrence and abjuration to his Majesty King
 George the second. Ordered, that Instead thereof, the following
 Entry be made Viz. Edmund Jenings, Esq^r and Col: Charles Ham-
 mond, from the upper House, and M^r John Ross Clerk of the Council,
 came into the Stadt House, in whose Presence the members of the
 Lower House that then appeared, took the Oath of Allegiance to
 his Majesty King George the second, and also took the Oaths of
 Abjuration and Abhorrence, Repeated the Test, and Subscribed the

Oath of Abjuration and Test. The Petition of John Dabran, Praying an Allowance for the duties of Negroes paid, he having moved himself and family, into this Province with Intent to Settle, and therefore Prays an Exemption from the duty Imposed on Negroes, on giving Security not to sell or Dispose of the said Negroes, Read and referred to the Committee of Accounts to Examine the facts. a bill entituled, an Explanatory Act to the Act Entituled for the speedy Trial of Criminals, and ascertaining their punishment in the County Courts when pro[se]cuted there, and for payment of fees when due from Criminal persons: Read the first time and ordered to lie on the Table.

L. H. J.
Lib. No. 45
p. 834

The House adjourned to 2 of the Clock in the afternoon.

Post Meridiem. the House met according to adjournment

The bill Entituled an Act for Limitation of officers fees, read the second time and will Pass Sent to the upper House by M^r Dulany and Twelve more. the bill, Entituled, an act empowering the Justices of Calvert County to repair the Court House of that County, by an assessment on the Inhabitants thereof. and the bill Entituled, an Act to vest an Estate of fee Simple of and in a Tract of Land called Roper's neck in Benjamin Howard, and for seling other lands of equal value in lieu thereof, Severally read the first time and ordered to lie on the Table. the Report from the Committee of Aggrievances &c: relating to the Collection of the duties on Tobacco, referred on Monday last for Consideration this day, is further referred for Consideration on the morrow morning. an Ingrossed bill, Entituled, an Act reviving and Continuing the several Acts therein mentioned. also an Ingrossed bill, Entituled an Act reviving an Act, entituled an Act for the advancement of Justice, also, an Ingrossed bill Entituled, a Supplementary Act to the Act for the advancement of Justice, also, an Ingrossed bill, Entituled, an Act for Continuing an Act of Assembly of this province, Entituled, an Act to prevent Cutting up Tobacco Plants destroying of Tobacco and Tobacco Houses, and for ascertaining the punishment of Criminals guilty of the said offences Severally read and assented to, and sent to the upper House, with the paper bills, by M^r Wootton and M^r Harris. An Ingrossed bill, entituled, an Act for Continuing an Act of Assembly of this province, Entituled, an Act ascertaining the gauge and Tare of Tobacco Hogsheads, and to prevent the Cutting, Cropping and defacing Tobacco taken on board ships or Vessels upon freight. an Ingrossed bill, entituled, an Act reviving an Act, entituled an Act for Naturalization, Severally read and assented to, and sent to the upper House, with the paper bills, by M^r Robert Loyd and M^r Ennalls. an Ingrossed bill entituled, an Act empowering the Justices of Prince Georges County to levy on the Taxable Inhabitants of Queen Anns Parish in the said County the

L. H. J. sum of one hundred pounds Current money of Maryland, for the
Lib. No. 45 uses therein mentioned.

An Ingrossed bill, entituled an Act repealing an Act, for the speedy and effectual Publication of the Laws of this Province and for the Encouragement of William Parks of the City of Annapolis printer, as also one other Act, Entituled, an Act reviving an Act of Assembly, entituled an Act for the speedy and Effectual Publication of the Laws of this province and for the Encouragement of William Parks of the City of Annapolis printer, &c. Severally read and Assented to, and sent to the upper House with the paper bills by M^r Sheredine and M^r Hall.

The House adjourned to the morrow morning at 9 of the Clock.

May 25
p. 835

Friday Morning May 25th 1739.

The House met according to adjournment. Col Hammond from the upper House delivers M^r Speaker the bill Entituled an Act for Trial of all matters of fact in the several Counties where they have arisen or shall arise, Indorsed. (See pages 234 and 236.)

Edmund Jenings Esq^r from the upper House, delivers M^r Speaker the bill Entituled, an Act for ascertaining the gauge of barrels for pork and beef, and the neat quantity of pork and beef to be therein Contained, Indorsed. (See pages 228 and 236.)

On reading the report from the Committee of Aggrievances &ca. relating to the Collection of the Duty on Tobacco, the Question was put, whether the House Concurs with the report or not; Resolved in the Affirmative.

For the Affirmative

| | | |
|--------------------------|-----------------------------|------------------------------|
| M ^r Waughop | M ^r Hanson | M ^r Rumsey |
| M ^r Read | M ^r Smallwood | M ^r Sheredine |
| M ^r Asquith | M ^r King | M ^r Moale |
| M ^r Swann | M ^r Henry | M ^r Matthews |
| M ^r Wilson | M ^r Gale | M ^r Caswell |
| M ^r Calder | M ^r Goldsborough | M ^r Edward Sprigg |
| M ^r Carroll | M ^r Edward Loyd | M ^r Wootton |
| M ^r Denton | M ^r Robert Lloyd | M ^r Osborn Sprigg |
| M ^r Gassaway | M ^r Thomas | M ^r Magruder |
| M ^r Smith | M ^r Trippe | M ^r Gordon |
| M ^r Weems | M ^r Ennalls | M ^r Wright |
| M ^r Hall | M ^r Brannock | M ^r Clayton |
| M ^r Courts | M ^r George | M ^r Pemberton |
| M ^r Middleton | M ^r Colvill | M ^r Wilkinson |

For the Negative

M^r Harris. M^r Hynson. M^r Hooper. M^r Dulany.

On Motion ordered a bill be brought in for support of his Lord-
ships Governor and Government for the time being, and that the
Committee of Laws prepare and bring in a bill Accordingly. the
House adjourned to 2 of the Clock in the afternoon.

L. H. J.
Lib. No. 45

Post Meridiem. the House met according to adjournment. p. 836

on Reading the amendments proposed, by the upper House to the
bill Entituled, an Act for ascertaining the gauge of Barrels for pork
&c: the question was put whether this House agree to the Amend-
ments or not, Resolved in the Negative.

The bill Entituled, a Supplementary Act to the Act, Entituled,
an Act to limitt the Continuance of Actions in several Courts within
this province, and ascertaining the manner of takng the Evidence of
Sea faring men, and for granting appeals from the Chancery Court,
to the Governor and Council; read the second time and will not pass.
the bill Entituled An Act reviving an Act, entituled, an Act Con-
cerning Ordinaries, and for the better Regulating of Inn holders
and ordinary keepers within this province: read the second time
and will not pass.

For the Negative.

| | | |
|-------------|---------------------------|------------------|
| Mr Waughop | Mr Hall | Mr Caswell |
| Mr Read | Mr Courts | Mr Edward Sprigg |
| Mr Swann | Mr Smallwood | Mr Wootton |
| Mr Wilson | Mr Rob ^t Lloyd | Mr Osborn Sprigg |
| Mr Carroll | Mr Ennalls | Mr Magruder |
| Mr Denton | Mr George | Mr Wright |
| Mr Gassaway | Mr Sheredine | Mr Clayton |
| Mr Smith | Mr Moale | Mr Wilkinson |
| Mr Weems | Mr Matthews | |

For the Affirmative

| | | |
|--------------|-----------------|---------------|
| Mr Asquith | Mr King | Mr Pemberton. |
| Mr Harris | Mr Gale | Mr Trippe |
| Mr Hynson | Mr Gordon | Mr Brannock |
| Mr Calder | Mr Goldsborough | Mr Colvill |
| Mr Dulany | Mr Edward Loyd | Mr Rumsey |
| Mr Middleton | Mr Thomas | |
| Mr Hanson | Mr Hooper | |

The bill Entituled an Act enlarging the Jurisdiction of the County
Courts within this Province, read the second [time] and will pass,
Sent to the upper House by Mr Asquith, and Mr Caswell. the bill
Entituled an Act reviving an Act, Entituled an Act to prevent the
Injuring Harbours within this province, read the second time and

L. H. J. will Pass Sent to the upper House by M^r Moale and M^r Robert Lib. No. 45 Lloyd. The bill empowering the three Commissioners therein named, Together with the Justices of Calvert County to repair the Court House of that County by an Assessment on the Inhabitants thereof read the second time and will pass. Sent to the upper house by M^r Weems and M^r Hall. the bill Entituled an Act reviving an Act for Licensing pedlars and Hawkers: read the second time and will not pass. the bill Entituled, an Act reviving an Act Entituled a Supplementary Act to the act Entituled, an Act laying an Imposition on Negroes, &c. read the second time, and will pass. the bill Entituled an Act to vest an Estate of fee simple of and in a Tract of Land called Ropers Neck in Benj^a Howard, and for Settling other Lands of Equal value in lieu thereof: read the second time and will pass, which two bills were sent to the upper House by M^r Gassaway and Cap^t Ennalls. On motion, leave given to bring in a bill to add to the Duty on rum Imported from any place except the place of Growth. George Plater Esq^r from the upper House, delivers the petitions of Levin Hill and Richard Dalton, Languishing Prisoners in Ann Arundell County Goal, referred by the upper House, which were here read and Granted.

p. 837 The House adjourned to the Morrow Morning at 9 of the Clock

May 26

Saturday Morning May 26, 1739.

The House met according to adjournment. on motion Leave given to bring in a bill for applying a larger sum of money than was raised by a former Act Towards Repairs of the Council House the Stadt House, and the Parade in Annapolis. On motion, leave given to bring in a bill for the better and more effectual payment of his Lordships quit rents and Alienation fines. On Motion to bring in a bill to empower the Sheriff, with assistance of two of the Justices of the County, and the Surveyor, to summon a Jury to return a plat in all Actions in Ejectment brought in the Provincial Court where the title relates to the bounds of Lands only the Consideration thereof referred to the next Assembly.

Benjamin Tasker Esq^r from the upper House, delivers M^r Speaker, the bill Entituled An Act for Cutting off the Entail of part of a Tract of Land called Coopers purchase &ta. in Thomas Spalding and Catharine his wife, &c. Indorsed. (See page 235.)

which bill was here read & passed for Ingrossing. and, a Petition of William Biggs, a Languishing [prisoner] in S^t Marys County, Indorsed, referred to the Consideration of the Lower House which Petition was here read and granted. On motion of a member, that a bill be brought in to Quiet Possessions of Lands in persons who have

enjoyed uninterruptedly many years: Ordered, that leave be given to bring in a bill. The Question was put that Leave be given to bring in a bill Concerning Testamentary affairs this Session, Resolved in the Negative. the bill Entituled an Act for the speedy and Effectual Publication of the Laws of this province, and for the Encouragement of Jonas Green of the City of Annapolis, printer: read and passed. Sent to the upper House by M^r Denton and M^r Gassaway. M^r Matthews, from the Committee of Aggrievances &ca. delivers M^r Speaker the following report, Viz:

L. H. J.
Lib. No. 45

by the Committee of Aggrievances and Courts of Justice,
May 26th 1739.

Your Committee have received a Complaint from M^r Joseph Hall one of the members of your Honourable House, returned, for Calvert County, that his Mother M^{rs} Ann Cockshutt, widow and relict of Thomas Cockshutt, late rector of All Saints' Parish in the said County Deceased, having occasion to Commence a suit against Charles Drury and John Campden of Prince Georges County, in the Provincial Court, did accordingly apply to Daniel Dulany, Esq^r one other Member of your Honourable House, as her Attorney, to Commence and prosecute the same in her behalf, which he accordingly undertook. that some time after, the said Daniel Dulany, Esq^r wrote to his said mother, informing her that the action could not go on, untill Security was given in the Secretary's office for the fees which should accrue due to the Secretary in the said Action. that some time after, the said Joseph Hall meeting Edmund Jenings Esq^r then and still Secretary of this province, at Calvert County assizes he informed him of what the said Daniel Dulany Esq^r had advised his Mother as aforesaid, and at the same time offered the said Edmund Jenings, Esq^r his own bond, or any other Security for the said fees; but the said Edmund Jenings Esq^r pretended to be in a hurry, and said that he Could not then take such Bond, but it might be done another time, whereupon the said Joseph Hall demanding of the said Edmund Jenings Esq^r wheather his said Mother should not be a Sufferer for want of such bond, he did in Answer assure the said Hall, she should not. that Notwithstanding the offers and Precautions so as aforesaid made and taken by the said Hall, and the assurance to him given by the said Edmund Jenings Esq^r as aforesaid, the Declaration Tendered by the said Daniel Dulany Esq^r on behalf of the said Ann Cockshutt, against the said Charles Drury and John Campden, was among Several Declarations and other Pleadings, refused to be received into the said Secretarys office and the Reason given and Indorsed on the said Declaration and other Pleading's (in pursuance of a Demand made by Daniel Dulany, Esq^r for the reason thereof, and to Indorse the same as aforesaid) by the Clerk of the said office was that he the said Clerk, had

p. 838

L. H. J. received a General order from the said Edmund Jenings Esq^r to receive no Declaration or other pleading whatever into the said Office, untill Security was given by the parties to the said Pleadings respectively, for such fees as should arise due to the said Secretary in such Actions.

that the said Edmund Jenings Esq^r then and still Secretary of this Province was employed from the beginning of the said Action on behalf of Both the said Defendants, as their Attorney, that for want of the receipt of such Declaration into the said office for the reasons aforesaid, a non suit was had against the said Ann Cockshutt, and she was Surprized and taken with an Execution for Costs thereon that upon the Renewal of the said Action by the said Ann Cockshutt against the said Charles Drury and John Campden he the said Joseph Hall was obliged to give a Judgment Bond in the penalty of ten Thousand Pounds of Tobacco, payable to the said Edmund Jenings Esq^r as security for all such fees as should Accrue due to the said Edmund Jenings, in the said Action, before the writ was Suffered to Issue from the said office. That the said Hall deemed himself by the Discourse between him and the said Edmund Jenings, Esq^r in Calvert County aforesaid, Chargeable with, and Liable to pay unto the said Edmund Jenings, all such fees as should have accrued due in the said Action.

And your said Committee humbly observe, that the said Hall is a person of undoubted Credit and that Altho, he had not, by the Discourse aforesaid, deemed himself Liable for the said fees, yet the said Ann Cockshutt, also, by repute, is a person of good Credit and Ability, and very Capable to have paid any Costs that had, or Could have arisen in the Prosecution of the said Suit. Your Committee humbly Conceive, that such Actings and Doings are a let Hindrance to, and a Denial of Justice, and greatly tend to the unnecessary Multiplication of fees and of Course to the unnecessary Burthening the subject; and that the taking of Judgment Bonds or any Bonds in such Cases is Extortion; and that it is a great Aggrievance, and a present growing Evil against Law and Reason that his Lordships Secretary of State who is thereby Chief Clerk of the Provincial, and Chief Register in Chancery Courts, his Deputy, Clerks or other officers of Any Courts of Record within this province, to whose power, Care and Keeping, the records of such Courts are Committed and who take and receive to themselves the profits and Advantages of the fees arising on all Actions Commenced and Prosecuted should be admitted to practice as attornies, Solicitors or Councillors, in such Courts the fees whereof do arise and Accrue due unto themselves: and that the whole is a heavy and oppressive Aggrievance and loudly calls for Redress But the same is humbly Submitted to the Consideration of your Honourable House

Signed p Order of the Committee. S Bordley Clk.

This House unanimously Concurs with the Report.

Mr Mathews from the Committee of Aggrievances delivers Mr Speaker the following Report viz.

L. H. J.
Lib. No. 45

By the Committee of Aggrievances and Courts of Justice
May 26, 1739

Your said Committee humbly beg Leave to inform your House that upon Inspecting the Records and Papers of the Provincial Office and upon demanding of the Clerk of the said Office by what Authority the several Fees of that office were Charged the said Clerk informed your said Committee that the said fees were Charged by virtue of a Regulation made by the Lord Baltimores Proclamation.

That it being also demanded of him in what manner the Lists of such Fees were sent or in what manner Collected the said Clerk Answered that Bonds were taken and sent to the Sheriffs with the particulars Indorsed, and Lists also

That upon its being further demanded of him the said Clerk in what Specie the fees were Charged, he Informed Your said Committee that the same were Charged in Tobacco, but that where money is paid on doing the Business, they then take Twenty Shillings p Hundred in lieu of Tobacco, and so pro Rato at the Choice of the party.

That the said Clerk being requested to produce such Bonds as are usually taken for Fees, he produced to Your Committee the three following Bonds viz.

Maryland ss^t Know all men by these Presents that I A. B. of County planter am held and firmly Bound unto Edmund Jenings Esq^r Secretary of the Province of Maryland in the Sum of Five Thousand Pounds of Tobacco to be paid to the said Edmund Jenings his Executors Administrators and Assigns to the which payment well and truly to be made I do hereby bind myself my Heirs Executors and Adminis^{rs} and Assigns by these presents Sealed with my Seal and dated this 17 day of May 1733

The Condition of the above Obligation is such that if the Above Bound A B do and shall from Time to Time pay or cause to be paid to the above named Edmund Jenings his Executors Administrators or Assigns all Fees which are or shall be due to the said Edmund Jenings as Secretary of this Province from him in a Cause between him the said A B defendant and C. D. Plaintiff in the Provincial Court according to the Regulation made by the Right Honourable the Lord Proprietary in Council the 14th day of April 1733 on or before the tenth day of May after the same shall be demanded then

L. H. J. the Above Obligation to be Void otherwise to be and remain in full
 Lib. No. 45 force and Virtue in Law but if default be made in the Payment of
 the said Fees or any part thereof on or before the time aforesaid
 then I empower any Attorney in any Court of Record in this prov-
 ince to appear for me at the suit of the above named Edmund Jenings
 his Executors Administrators or Assigns and to receive a declara-
 tion of the above Obligation and thereupon to confess Judgment by
 Nil dicit Cognovit Actionem non sum Informatus or otherwise
 hereby releasing all the Errors that may happen in the said Judgment
 suing out Execution thereupon or in any of the proceedings there-
 unto relating

Sealed and Delivered in the presence of E. F.

A B (Seal)

Know all men by these presents that I A. B. of County
 am held and firmly bound unto Edmund Jenings Esq^r Secretary
 of the Province of Maryland in the Just and full Sum of seven hun-
 dred Pounds of Merchantable Tobacco to be paid unto the said
 Edmund Jenings his certain Attorney Executors Administrators or
 Assigns to which payment well and truly to be made and done I
 bind myself my Heirs Executors and Administrators firmly by these
 presents Sealed with my Seal and dated this 7th day of November
 Anno Dom. 1733.

p. 840 The Condition of the Above Obligation is such that if the Above
 Bound A B do and shall well and truly pay or cause to be paid unto
 the said Edmund Jenings his certain Attorney Executors Adminis-
 trators or Assigns the just Sum of thirty two Pounds of Merchant-
 able Tobacco at or upon the 26th day of December next ensuing
 the date hereof then the above Obligation to be Void else to remain
 in full force and Virtue in Law, But if default be made in the pay-
 ment of the said Sum of Thirty Two Pounds of Tobacco then I
 empower any Attorney in any Court of Record in the Realms of
 Great Britain France and Ireland or within the Province of Mary-
 land or other his Majestys Dominions to appear for me at the Suit
 of the Above mentioned Edmund Jenings and to receive a Declara-
 tion on the Above Obligation and thereupon to Confess Judgment
 by Nil dicit Cognovit Actionem non sum Informatus or otherwise
 hereby releasing all the Errors that may happen upon the said Judg-
 ment suing out Execution thereupon or in any of the proceedings
 thereunto relating

Sealed and Delivered in the presence of C. D.

A. B. (Seal)

Maryland ss^t

Know all men by these Presents that I AB of County
 Gent am held and firmly Bound unto Edmund Jenings Esq^r Secre-

tary of the Province of Maryland in the Sum of Five Thousand Pounds of Good Sound Merchantable Leaf Tobacco in Cask to be paid Edmund Jenings his Executors Administrators and Assigns to the which payment well and truly to be made I do hereby bind myself my Heirs Executors Administrators and Assigns by these Presents Sealed with my Seal and dated this eighth day of May 1739

L. H. J.
Lib. No. 45

The Condition of the Above Obligation is such that if the Above Bound A: B: do and shall from Time to Time pay or cause to be paid to the Above named Edmund Jenings his Executors Administrators or Assigns all Fees which shall be due to the said Edmund Jenings as Secretary of this Province in a cause between the said A B Plaintiff and C. D. Defendant now depending in the Provincial Court according to the Regulation made by the Right Honourable the Lord Proprietary in Council the fourteenth day of April 1733 on or before the tenth day of May after the same shall be demanded then the above Obligation to be void otherwise to Remain in full force and Virtue in Law. But if default be made in the payment of the said fees or any part thereof on or before the time aforesaid than I Impower any Attorney in any Court of Record in this Province to appear for me at the Suit of the Above named Edmund Jenings his Executors Administrators or assigns and to receive a Declaration on the above Obligation and thereupon to Confess Judgment by Nil dicit Cognovit Actionem non sum Informatus or otherwise hereby releasing all the Errors that may happen in the said Judgment suing out Execution thereupon or in any of the proceedings thereunto relating.

Sealed and Delivered in the Presence of G. H.

A: B (Seal)

Your Committee beg leave further to Inform your House that the said Clerk of the said Office in Pursuance of a Request from your said Committee did shew unto them the Journals of the Assembly Lodged with him and which your Committee do find in very great disorder but do conceive the same may proceed from the disorderly State of the Office in General the Books Records and papers being removed on Repairing the Stadt House

That Your Committee do not find any Journals of Your Honourable House in the said office beyond the Year of our Lord 1688

That your Committee have also inspected the Land Office and find that the said Office is at present in disorder Occasioned by the Repair of the Stadt House and Offices the Books and papers being removed to the Repository but your Committee having examined the Clerk of the said Office as to the manner of Charging his Fees he made Answer that the Fees of the Office were charged by a

L. H. J. Regulation made by his Lordships proclamation And that there
 Lib. No. 45 usual method has been to take Bonds in the form following.
 p. 84¹

Maryland ss.

Know all men by these Presents that I A. B. of _____ County
 am held and firmly bound unto Edmund Jenings Esq^r Secretary
 of the province of Maryland in the Sum of One Thousand Pound
 of Merchantable Leaf Tobacco to be paid to the said Edmund
 Jenings his Executors administrators and assigns to which payment
 well and truly to be made and done I do hereby bind myself my
 Heirs Executors Administrators and Assigns firmly by these
 Presents Sealed with my Seal and dated this 18 day of March 1735

The Condition of the above obligation is such that if the Above
 Bound A. B. his Heirs Executors and Administrators do and shall
 from Time to Time pay or cause to be paid to the above named
 Edmund Jenings his Executors Administrators or Assigns all fees
 that now are or shall accrue to the said Edmund Jenings as Judge
 and Register of his Lordships Land Office from the said A B for
 or upon Account of a Caveat by him now Entred against C D accord-
 ing to the Regulation made by the Right Honourable the Lord
 Proprietary in Council the 14th day of April 1733 on or before the
 tenth day of May after the same shall be demanded then the above
 Obligation to be Void otherwise to be and remain in full Force and
 Virtue in Law, But if default be made in payment in the said Fees or
 any part thereof on or before the time aforesaid after demand as
 aforesaid then I empower any Attorney in any Court of Record
 in this province to appear for me at the suit of the above named
 Edmund Jenings his Executors Administrators or Assigns and to
 receive a declaration on the above Obligation and thereupon to Con-
 fess Judgment by Nil dicit cognovit Actionem non Sum Informatus
 or otherwise hereby releasing all the Errors that may happen upon
 the said Judgment suing out Execution thereupon or in any of
 the proceedings thereunto relating

Sealed and Delivered In the Presence of E. F.

A B (Seal)

That of late since the Office has been put into other Hands they
 take Bonds in a Sum certain in the Form following.

Know all men by these presents that I A. B. of _____ County
 am held and firmly bound unto Levin Gale Esq^r in the full and Just
 sum of One thousand pounds of Merchantable Leaf Tobacco to be
 paid to the above, said Levin Gale his Executors Administrators
 or Assigns to the which payment well and truly to be made and
 done I do hereby bind myself my Heirs Executors and Adminis-

trators and every of them firmly by these Presents Sealed with my Seal and dated this 31st day of May Anno Domini 1739

L. H. J.
Lib. No. 45

The Condition of the Above Obligation is such that if the Above Bound A B. his Heirs Executors or Administrators do and shall well and truly pay or Cause to be paid to the Abovesaid Levin Gale his Executors Administrators or Assigns the full and Just Sum of Five hundred Pounds of Merchantable Leaf Tobacco at or upon the 26th Day of December next ensuing the date hereof then the Above Obligation to be void and of none Effect otherwise to be and remain in full Force Power and Virtue in Law but if default be made in the payment of the aforesaid Sum of Five Hundred Pounds of Tobacco qualified as aforesaid then I do hereby Impower any Attorney in any Court of Record in the Realms of Great Britain France or Ireland or within the Province of Maryland or other his Majestys Dominions to appear for me at the Suit of the Above mentioned Levin Gale his Executors Administrators or Assigns and to receive a Declaration on the Above Obligation and thereupon to Confess Judgment by Nil dicit cognovit Actionem non Sum Informatus or otherwise hereby releasing all the Errors that may happen upon the said Judgment suing out Execution thereupon or in any of the proceedings thereunto relating.

Sealed and Delivered in the Presence of C. D.

A. B. (Seal)

Your said committee have also Inspected the State and Condition of the Commissary Generals Office and do find so far as they could Examine that the Wills Inventories and Accounts are Entered to December 1738 and the Books and papers appear in good order.

p. 842

Your Committee demanding by what Authority the Fees of the said Office were Charged were answered by Virtue of a Regulation made by his Lordships Proclamation and Enquiring further whether they took any and what Security for fees in the said Office received for Answer that they took none for Fees arising on the Transitory and current Business of the Office except some times Promissory notes but more Generally only Orders in Writing to do the particular Business Required and that such Fees were only charged in Account but that upon Granting of Letters Testamentary or of Administration they took Testamentary or Administration Bonds in the Condition of which Bonds among other Things Security was Included for their Fees arising by means of the Administration or Executorship by the following Clause and also (that the said Executor or Administrator) shall pay all such Reasonable Charges and Fees as have arisen or shall arise or become due to his Lordship Officers from the said (Executor or Administrator) on account of the said Deceased or his Estate

L. H. J. Your committee most humbly conceive that the taking such Bonds
 Lib. No. 45 as aforesaid is Illegal and more Especially for Fees before the same
 become due is Extortion but the same is Humbly Submitted to the
 Consideration of your Honourable House.

Signed by Order of the Committee S. Bordley, Clerk

On Consideration of this Report, Ordered that the same be with-
 drawn and that the State and Proceedings of and in the several
 Offices be separately Reported

An Account of the Attendance of several Persons that went by
 the directions of the Governor and Council to discover Indians sup-
 posed to have committed Murder on some of the back Inhabitants
 was read in the House and Ordered that the several persons be al-
 lowed according to the Allowances in the Militia Law and that the
 Committee of Accounts enquire into the truth of the charge and
 that the allowance be made accordingly

This House adjourned until Monday Morning at nine of the
 Clock

May 28

Monday Morning May 28, 1739

This House met according to Adjournment, &c^a

Col^o Gale from the Upper House delivers M^r Speaker the Bill
 Entituled An Act for Limitation of Officers fees Indorsed. (See
 page 240.)

Col^o Hammond from the Upper House delivers M^r Speaker the
 Bill Entituled An Act for the benefit of the Poor and Encouragement
 of Industry Indorsed (See pages 221 and 240.)
 which Bill with the Amendment passed for Ingrossing

James Holliday Esq^r from the Upper House delivers M^r Speaker
 the Bill Entituled An Act Enlarging the Jurisdiction of the County
 Courts within this province. (See pages 238 and 240.)

Edmund Jenings Esq^r from the Upper House delivers M^r Speaker
 the Bill Entituled an act empowering the Justices of Calvert County
 to repair the Court House &c^a Indorsed. (See pages 238 and 240.)
 which Bill was here read and Passed for Ingrossing

p. 843 George Plater Esq^r from the Upper House delivers M^r Speaker
 the Bill Entituled An Act reviving an Act Entituled A Supple-
 mentary Act to the Act Entituled an Act laying an Imposition on
 Negroes &c^a and the Bill Entituled An Act reviving an act Entituled

An Act to prevent the Injuring Harbours &c. severally Indorsed L. H. J.
(See page 240.) Lib. No. 45

Which Bills were here read and passed for Ingrossing.

The House adjourned until two of the Clock in the afternoon

Post Meridiem

The House met again according to Adjournment

M^r Philip Hammond a member returned for Ann Arundell County appeared

M^r Benjamin Pearce a Member returned for Cecil County in the Room of M^r Thomas Johnson dec'd appeared M^r Denton and M^r George sent to the Upper House to see them qualified by taking the several Oaths to the Government required by Law by signing the Oath of Abjuration by repeating and signing the Test

Who Return and acquaint M^r Speaker they saw them qualified

M^r Mathews from the Committee of Aggrievances delivers M^r Speaker the following Report

Your Committee Observe that the fees of the several Officers and Ministers of this province their Deputed Ministers, Servants, and Officers are in themselves, as now paid, Excessive, Great and Oppressive to the Subject and that the said Fees are under no Regulation of any law of this province that appears to your Committee

That the said Officers and Ministers their Deputed Ministers, Servants and officers by power of A Proclamation of the Right Honourable the Lord Proprietary dated the 14th day of April 1733 and one order of Council dated the 23^d day of April 1735 and one other Order of Council dated the 15th day of July hereunto annexed, do charge, Levy, Raise, and Receive from his Majestys Subjects of this province such Fees so as aforesaid Burthensom, Great and Oppressive, to the Discouragement, Ruin and undoing of many of his Majestys Liege Subjects, and even the said colour of power is Exceeded by the Unlimited Will, and unbounded Avarice of many of the said Officers Ministers and their Deputies.

Your committee humbly Observe that by the Royal Charter, the Resolves of your honourable House, and the Common Custom of this province, the Subjects here are Entitled to the Customs, Common Law and the Securative Statutes of the Rights and Liberties of the Subjects in our Mother Country Great Britain and by which custom of Great Britain such like Fees of the Courts of Justice and the several Officers have been settled by Acts of Parliament agreeable to which

Your Committee further most humbly Observe that from the Earliest Times since the Settlement of this Province by British Subjects, such Fees have been adjusted and Regulated by Acts of the

L. H. J. General Assembly and not by any other power or Authority till the
Lib. No. 45 aforesaid proclamation

Your said committee most humbly conceive that such proclamations or orders of Council charging his majestys Liege and dutiful Subjects with any Tax or Talliage are Invasions on the Fundamental Constitution of this province and against the lawful Rights and Liberties of the Subject and are in themselves and their Consequences very Grievous and oppressive to his Majestys Liege Subjects the Inhabitants of this Province, but the same is humbly Submitted to the consideration of your Honble House

Signed p Order of the Committee. S. Bordley Cl.

(See 28 Achives pp. 31 to 43, 70, 74, 75, 77, 78 for the text of documents here spread upon the Journal.)

p. 856 On Reading the Report the Question was put that the House concur therewith. Resolved in the Affirmative.

For the Affirmative

| | | |
|---------------------------------------|------------------------------|---------------------------------------|
| M ^r Waughop | M ^r Gassaway | M ^r Goldsborough |
| M ^r Moale | M ^r Read | M ^r Edw ^d Lloyd |
| M ^r Mathews | M ^r Aisquith | M ^r Weems |
| M ^r Rob ^t Lloyd | M ^r Caswell | M ^r Swann |
| M ^r Hall | M ^r Thomas | M ^r Edward Sprigg |
| M ^r Wilson | M ^r Courts | M ^r Trippe |
| M ^r Wotton | M ^r Harris | M ^r Middleton |
| M ^r Ennals | M ^r Osborn Sprigg | M ^r Hynson |
| M ^r Hanson | M ^r Brannock | M ^r Magruder |
| M ^r Calder | M ^r Smallwood | M ^r George |
| M ^r Gordon | M ^r Carroll | M ^r King |
| M ^r Colvill | M ^r Wright | M ^r Hammond |
| M ^r Henry | M ^r Rumsey | M ^r Clayton |
| M ^r Denton | M ^r Gale | M ^r Sheredine |
| M ^r Wilkinson | M ^r Pemberton | |

For the Negative

M^r Hooper, M^r Dulany

Benjamin Tasker Esq^r from the Upper House delivers M^r Speaker the Bill Entituled An Act for the Speedy and more Effectual publication of the Laws of this province and for the Encouragement of Jonas Green of the City of Annapolis printer. Indorsed. (See pages 239 and 241.)

Which Bill was here read and with the Amendments passed for
Ingrossing L. H. J.
Lib. No. 45

Col^o Hammond from the Upper House delivers M^r Speaker the Bill Entituled An Act to vest an Estate in Fee simple of and in a Tract of Land called Ropers Neck in Benjamin Howard and to settle other Lands of equal Value in Lieu thereof, Indorsed. (See pages 238 and 241.)

Which Bill was here read and passed for Ingrossing

M^r Mathews from the Committee of Aggrievances &c^a delivers M^r Speaker the following Report

By the Committee of Aggrievances and Courts of Justice
May 28, 1739

Your Committee humbly conceive that his Lordship or his Agent in his name issuing Instructions to his said Lordships Receiver of Land Rents, to take, Levy, and Receive of and from his Majestys liege and Dutiful Subjects, Alienation Fines on all Lands devised, and by Colour of which Instructions and order the said Receivers having Extorted from many his Majestys liege People such Fines was a thing unheard of since the Settlement of this province by British Subjects till within three years last past

Your Committee most humbly Conceive that such Acting is p. 857
Against Law, Custom, Reason, and the express Tenor of the Grants, made by his Lordship and his Ancestors of Lands to the Good People of this province And their predecessors, and which your said Committee conceive to be not only an Innovation, but an Invasion on the rights of the People, and a great Aggrievance and oppression, but the same is humbly Submitted to the Consideration of your Honourable House.

Signed 7p Order of the Committee S Bordley, Cl

On Reading the Report the House referred the Consideration to the Morrow Morning.

M^r Attorney General Claiming An Account from the publick for several fees that Accrued due on Prosecution of Sundry persons Accused of Murder and House Burning and on the supposed Borders of this Province.

Resolved in the Negative

L. H. J.
Lib. No. 45

For the Affirmative

| | | |
|--------------------------|-------------------------|-----------------------|
| M ^r Hynson | M ^r King | M ^r Rumsey |
| M ^r Calder | M ^r Henry | M ^r Gordon |
| M ^r Courts | M ^r Brannock | |
| M ^r Middleton | M ^r Colvill | |

For the Negative

| | | |
|-------------------------|---------------------------------------|------------------------------|
| M ^r Waughop | M ^r Hanson | M ^r Mathews |
| M ^r Read | M ^r Smallwood | M ^r Caswell |
| M ^r Swann | M ^r Goldsborough | M ^r Edward Sprigg |
| M ^r Wilson | M ^r Edw ^d Lloyd | M ^r Wootton |
| M ^r Hammond | M ^r Rob ^t Lloyd | M ^r Osborn Sprigg |
| M ^r Denton | M ^r Thomas | M ^r Magruder |
| M ^r Gassaway | M ^r Ennals | M ^r Wright |
| M ^r Smith | M ^r Pearce | M ^r Clayton |
| M ^r Weemes | M ^r Sheredine | M ^r Pemberton |
| M ^r Hall | M ^r Moale | M ^r Wilkinson |

On Motion that Leave be given to bring in a Bill to raise and apply a sum of money for the Sallary of an Agent to transact the Affairs of this province in Great Britain. the Consideration Referred to the morrow morning

The House adjourned until to morrow morning at nine of the Clock.

May 29

Tuesday morning 29th May 1739

The House met again according to Adjournment &c^a

William Stoughton Esq^r appeared in the House

M^r Goldsborough hath Leave of the House to go Home Ordered that M^r Hammond, Doctor Carroll, M^r Calder and M^r George prepare an Address to the Governor relating to the Collection of 12^d p hhd for Support of Government, and that the Report relating thereto be delivered to the Committee thereby as a direction to them in preparing the Address

A Bill Entituled An Act for raising an Annual Revenue for the better support of his Lordships Governm^t and Governor, Read the first time and Ordered to lye on the Table.

The Report from the Committee of Aggrievances &c^a concerning Alienation fines on Devises being read and the Question put that the House concur therewith. Resolved in the affirmative

For the Affirmative

L. H. J.
Lib. No. 45

| | | |
|---------------------------------------|--------------------------|--|
| M ^r Waughop | M ^r Thomas | M ^r Caswell |
| M ^r Read | M ^r Trippe | M ^r Edw ^d Sprigg |
| M ^r Aisquith | M ^r Ennals | M ^r Hall |
| M ^r Swann | M ^r Brannock | M ^r Courts |
| M ^r Smallwood | M ^r Colvill | M ^r Middleton |
| M ^r King | M ^r Rumsey | M ^r Hanson |
| M ^r Stoughton | M ^r Denton | M ^r Wootton |
| M ^r Gale | M ^r Gassaway | M ^r Osb ⁿ Sprigg |
| M ^r Edw ^d Lloyd | M ^r Smith | M ^r Magruder |
| M ^r Rob ^t Lloyd | M ^r Weems | M ^r Wright |
| M ^r Wilson | M ^r Pearce | M ^r Pemberton |
| M ^r Harris | M ^r Sheredine | M ^r Wilkinson |
| M ^r Carroll | M ^r Moale | M ^r Hynson |
| M ^r Hammond | M ^r Mathews | |

For the Negative

p. 858

M^r Calder M^r Dulany

The House adjourned until two of the Clock in the Afternoon

Post Meridiem. The House met According to Adjournment &c^a

The Ingrossed Bill Entituled An Act reviving An Act Entituled
An Act to prevent the Injuring Harbours within this province

The Ingrossed Bill Entituled An Act for the cutting of an Entail
and Investing an Estate of Inheritance in fee Simple of and in part
of a Tract of Land called Coopers Purchase in Thomas Spalding and
Catherine his Wife and to Entail other Lands lying in Saint Marys
County in Lieu thereof

The Ingrossed Bill Entituled An Act reviving the Supplementary
Act to the Act laying an Imposition on Negroes and sundry Sorts
of Liquors imported and on Irish Servants to prevent the Importing
too great a number of Irish Papists into this province and the
Ingrossed Bill Entituled An Act empowering the Reverend John
Lang Rector of Saint James' parish in Ann Arundell County to
Lease Lands, severally Read and Assented to and sent to the Upper
House by M^r Wootton and M^r Aisquith.

M^r Denton brings in a Bill Entituled an Act for laying out and
applying a sum not exceeding 200 £ current money to the uses
therein mentioned. Read the first time and Ordered to lye on the
Table.

the following Message. (See page 241.)

Sent to the Upper House by M^r Denton and M^r Courts

They return and acquaint M^r Speaker they delivered their Message
M^r Mathews from the Committee of Aggrievances &c^a delivers M^r
Speaker the following Report

L. H. J.
Lib. No. 45

By the Committee of Aggrievances and Courts of Justice
May 28, 1739

(All this Report except the last paragraph is a repetition of the Report printed on pages 353 to 355.)

p. 860 Your Committee humbly conceive that the taking such Bonds as aforesaid and for Fees before the same have been due is Extortion and that those Bonds in General taken in the Courts of Justice have been and are highly Grievous and oppressive to his Majestys Subjects within this province and are a very great Aggrievance but the same is humbly submitted to the consideration of your Honourable House

Signed p Order of the Committee S Bordley Cl.

which was read and on the Question the House concurred therewith

For the Affirmative

| | | |
|--------------------------|---------------------------------------|--|
| M ^r Waughop | M ^r Gale | M ^r Pearce |
| M ^r Read | M ^r Courts | M ^r Sheredine |
| M ^r Aisquith | M ^r Middleton | M ^r Moale |
| M ^r Swann | M ^r Hanson | M ^r Mathews |
| M ^r Wilson | M ^r Smallwood | M ^r Caswell |
| M ^r Calder | M ^r Edw ^d Lloyd | M ^r Edw ^d Sprigg |
| M ^r Carroll | M ^r Rob ^t Lloyd | M ^r Wootton |
| M ^r Hammond | M ^r Thomas | M ^r Osborn Sprigg |
| M ^r Denton | M ^r Hooper | M ^r Magruder |
| M ^r Gassaway | M ^r Trippe | M ^r Wright |
| M ^r Smith | M ^r Ennals | M ^r Clayton |
| M ^r Weems | M ^r Brannock | M ^r Pemberton |
| M ^r Hall | M ^r George | M ^r Wilkinson |
| M ^r King | M ^r Colvill | |
| M ^r Stoughton | M ^r Rumsey | |

For the Negative

M^r Harris M^r Hynson

M^r Mathews from the Committee of Aggrievances &c^a delivers the following Report viz.

By the Committee of Aggrievances and Courts of Justice
May 29, 1739

It appears to your said committee that in Liber L: L. wherein are Recorded the Laws of this Province from the Year of our Lord God 1692, to the year 1710, in the Folio III &c^a of which Book is

recorded An Act Entituled An Act for settlement of an Annual Revenue upon her Majestys Governor within this province for the time being, and which Book is in folio 409 concluded under the Seal of the Secretarys Office and Tested John Beale clerk of the Provincial Court as by the said Book reference being thereto, had will appear

L. H. J.
Lib. No. 45

Notwithstanding which the said Act is afterwards in Folio 409, 410, 411 of the said Book Entered with many Interlienations and Incertainties and more particularly the Words in the said Act of 1704 Recorded in Folio 111 &c^a are for support of her Government yet your committee find in the said Post Entry of the said Act in Folio 410 &c^a the Words " for Support of Government " leaving out the word " her "

Your Committee do not know by what Authority the said Post Entry was made, But most humbly Apprehend that it may be of dangerous Consequence to admit of a Licentious Entry of the Laws of this Province and that contrary to the Words of the Law, as your Committee observe has been done here, But they humbly submit the same to the consideration of your Honourable House

Signed p order of the Committee S. Bordley C^t

On reading the said Report the House concurs with the Report and ordered the same to be Entered on the Journal of this House

M^r Mathews from the Committee of Aggrievances &c^a delivers M^r Speaker the following Report Viz.

By the Committee of Aggrievances and Courts of Justice

May 29th 1739

(The first two paragraphs of this Report are taken from the Report printed on page 357.)

Your committee humbly observe that they find the Clause aforesaid in the condition of the Bond aforesaid was first Introduced Anno Domini 1729 and which Clause your Committee humbly conceive to be illegal as the same is not agreable to the Statute of the 22^d and 23^d char 2^d cap 10, and may be attended with dangerous consequences but is humbly submitted to the consideration of your Honourable House

Signed p order of the Committee S Bordley C^t.

This House Unanimously concurs with the said Report

The House adjourned until to morrow morning at nine of the Clock

L. H. J.
Lib. No. 45
May 30

Wednesday morning May 30th 1739

The House met according to Adjournment

The Members were called and all present that were yesterday except M^r Goldsborough and M^r Hammond

The Bill Entituled An Act for raising an Annual Revenue for the better support of his Lordships Government and Governor Read the second time by an Especial Order and will pass

Sent to the Upper House by M^r Smith and twelve more

A Bill Entituled an act for laying out the Town anew commonly called Snow Hill Town in Somerset County Read the first time and Ordered to lye on the Table. Ordered that M^r Hammond Doctor Carroll M^r Calder, M^r George, and M^r Stoughton prepare an Address to his Excellency the Governor and therein set forth in General the many Aggrievances that are or may be remonstrated this Session

Col^o King from the Committee of Accounts to (which the petition of John Dabian was referred) Reports that the Facts and allegations therein were not made to appear to the said committee

p. 862 The petition was Rejected

M^r Calder delivers M^r Speaker the following Address

To His Excellency, Samuel Ogle Esq^r Governor and Commander in chief in and over the Province of Maryland

The humble Address of the House of Delegates of the same Province in General Assembly met

May it please your Excellency

We his Majestys most dutiful and Loyal Subjects the Delegates of the Freemen of the Province of Maryland in General Assembly convened having in the most candid and Serious manner taken into consideration the money lately raised as a duty upon Tobacco for the support of his Lordships Government must acknowledge ourselves sensibly concerned to find that twelve Pence Sterling money for every Hogshead of Tobacco exported since the 29th of September 1733 has been collected and Levied from the people of this Province without any Law that we know of to warrant the same

We have been indeed informed by the several Naval Officers that they Levy that money by Virtue of An Act of Assembly made in the year 1704 Entituled An Act for settlement of an Annual Revenue upon her Majestys Governor within this province for the time being what light this Act has hitherto appeared in, to your Excellency, we cannot say, but we hope that when you have considered in the manner we have done, the several Acts made for raising money for the Support of this Government at the respective Times when the same was in the Hands of the Proprietarys or immediately in the Crown,

you will be perswaded that those made in the one have never been deemed to extend to the other, nor that his Lordship had a Right to the money Granted to the Crown, for the support of Government any more than to the Fines and Forfeitures arising on the Breach of Penal laws then made, until Acts in his favour were past in both cases on his being restored to the Government with regard to which, and to the sence of this House thereupon, we beg leave to refer your Excellency to a Report made to us from our Committee of Aggrievances, and concurred to by this House, A copy of which we have herewith sent for your Excellencys perusal

L. H. J.
Lib. No. 45

Your Excellency is too well acquainted with the nature of the British constitution to be informed from us that it is the peculiar Right of his Majestys Subjects not to be liable to any Tax or other Imposition but what is laid on them by Laws to which they themselves are a Party: and we do with the greatest Sincerity assure your Excellency that it is in pursuance of this our undoubted Right and for no other Cause that we give you the Trouble of this Address.

We well know that a people living under a Government ought to be at the charge of supporting it, nor have we any other Intention than to give his Lordship such an Honourable one as shall be Adequate to the Ability of those we represent

We have now prepared a Bill for an Honourable Support of Government which is sent to the Upper House, and hope it will pass into a Law which will manifest the Desire this House has of Cultivating A Good Understanding betwixt the Government and people, to perfect which nothing on our part shall be wanting, and we doubt not of your Excellencys Endeavours and Concurrence to so desirable an end.

We therefore pray your Excellency for quieting the minds of the People we represent, and to preserve to them the Rights of British Subjects that from whatever mistake or misapprehension that duty has lately been raised the same may now cease.

Which was read approved and ordered to be Ingrossed.

The House adjourned until two of the Clock in the afternoon

Post Meridiem. The House met according to adjournment &c^a

James Holliday Esq^r from the Upper House delivers M^r Speaker the following message (See page 243.)

M^r Mathews from the Committee of Aggrievances &c^a delivers M^r Speaker the following Report

By the Committee of Aggrievances and Courts of Justice

May 29th 1739

Your Committee humbly Observe that the several Collectors and Naval Officers within this province Insist on and Receive from the respective persons trading into the same for all Entries and Clearing

L. H. J. of their Vessels, their Several fees in Gold and Silver contrary to
 Lib. No. 45 A Clause in an Act of Assembly Entituled An Act for emitting and
 making Current Ninety Thousand pounds current money of Mary-
 land; part of which Clause is the following Words

And be it further enacted by the Authority aforesaid that the
 said Bills of Credit shall pass in payment Satisfaction and discharge
 of all contracts to be made from and after the publication of this
 Act within this province for current Money &c^a

Your Committee likewise humbly observe that they conceive the
 said Naval Officers fees Are Stated in the Current Money of this
 Province if by any law by An Act Entituled A Supplementary Act
 for limitation of officers fees as by the said Act in the printed Body
 of Laws Folio 149 Relation thereunto being had may more fully
 appear.
 [Parks's
 Compilation
 of 1727]

Your said Committee with great Submission most humbly con-
 ceive that by the third Clause of the First mentioned Act the said
 Bills of Credit are made equal in Value to proclamation current
 money of America wherefore and inasmuch as the Entries and
 Clearings of all Ships and Vessels after the said Act for emitting
 and making current ninety Thousand pounds as aforesaid took place,
 have been contracts within the meaning of the said Act payable in the
 said Bills of Credit

Your committee therefore most humbly conceive that the Insist-
 ing on and obliging the people Trading into this province to pay
 in that case in other Specie than is provided for by Law, is destructive
 to the Credit of the said Currency Emittted on the surest Foundation
 this province could offer; and is a very great Aggrievance But is
 humbly submitted to the consideration of your Honourable House

Signed p Order of the Committee S. Bordley Cl.

the House concurs therewith

p. 864 Doctor Carrol, M^r Calder, M^r George, M^r Stoughton, M^r Denton
 and M^r Robert Jenkins Henry are appointed by this House to join
 the members appointed by the Upper House in a Conference relating
 to an Officers fee Bill

M^r Hynson hath leave of the House to go Home

An Ingrossed Bill Entituled An Act for the benefit of the poor
 and Encouragement of Industry read and Assented to and sent to
 the Upper House with the paper Bill by M^r Gale and M^r Pearce

M^r Mathews from the Committee of Aggrievances &c^a delivers
 M^r Speaker the following Report

By the Committee of Aggrievances and Courts of Justice
 May 30th 1739

The first three paragraphs of this Report are taken from the Report
 printed at pages 355 and 356.)

Your Committee most humbly conceive that the taking such Bonds for Fees before the same become due is Extortion, Against law, and that such have been a very great Aggrievance and Oppression to his Majestys Liege and dutiful Subjects in this province, but they humbly submit the same to the consideration of your Honourable House

L. H. J.
Lib. No. 45

Signed p order of the Committee S Bordley Cl.

the House concurs therewith.

M^r Mathews from the Committee of Aggrievances delivers M^r Speaker the following Report

By the Committee of Aggrievances and Courts of Justice
May 30th 1739

It appears to your Committee upon Examination of Thomas Bullen late Clerk of Talbot County by the Examination and papers hereunto annexed, that there is a Strong Presumption of there having been great Abuses committed in relation to the Huxtering Sale and purchasing the Office of Clerk of the said County, and particularly by the present Clerk John Leeds

Your Committee most humbly conceive that the sale of such Clerkship relating to Courts of Justice, is against Law and productive of many Evils to his Majestys dutiful Subjects but tis humbly submitted to your Honourable House

Signed p Order of the Committee S. Bordley Cl.

The Examination of Thomas Bullen

p. 865

Thomas Bullen of Talbot County being examined before your Committee declares that some time in the Year 1729 or thereabouts, he had finished an Apprentiship or Clerkship with M^r Tench Francis of the said county Gent. who was at that Time Clerk of the said County, during which Time he wrote for the said Francis as Clerk of the said County and as an Attorney likewise And that for and during the space of three or four years next after his said Clerkship or Apprenticeship Expired he the said Thomas Bullen was out of Business suitable to him, and in the year 1734 Entred into a Verbal Contract with the said Tench Francis then also Clerk of the said County but the said contract was not entered into and executed in Writing between Richard Francis late of Ann Arundell County Esq^r Brother to the said Tench, and the said Thomas Bullen and after the Execution of which Articles as aforesaid the said Rich^d Francis assigned the said contract over unto the said Tench Francis by a Writing, A Copy whereof with A Copy of the said Articles he the said Thomas Bullen delivered to your Committee and are hereunto annexed and under which Articles a Commission was Granted to the said Thomas Bullen to be clerk of the said county, and which

L. H. J. Commission was procured by the Interest of the said Tench Francis
Lib. No. 45 from Edmund Jenings Esq^r Secretary of Maryland or his Attorney
in Fact, but the same was signed by the said Jenings. Upon the
Obtaining of which Commission the said Thomas Bullen Entered
into a Bond with the said Tench and Richard Francis as Sureties to
the said Edmund Jenings conditioned for payment unto the said
Edmund Jenings of the tenth part of the Fees that should arise on the
said Office of Clerk of Talbot County aforesaid and further that he
the said Thomas Bullen with Risdén Bozman and the said Tench
Francis as his Securities Entered into Bond to the County Court
aforesaid agreeable to the Act of Assembly in that case made and
Provided and that after he had the Commission entered into the
Securities aforesaid he Executed the place of Clerk of the said
County from the first day of June 1734 until the 10th day of July
1738 and during the said time discharged the Business of Clerk
aforesaid under the Conditions and Articles aforesaid and during
which time also the said Tench Francis received all the profits of the
office save the Salary contracted to be by the said Tench Francis
paid to the said Thomas Bullen and the tenth part to be by the said
Thomas Bullen paid to the said Secretary which the said Thomas
yearly paid by an Order on the Sheriff of the said County that after
the said Thomas had been some time in the Land Office the said
Tench Francis told him the said Thomas that he had paid Two
hundred Pound for the same and in some time after on discourse
between the said Tench Francis and the said Thomas he the said
Tench told him that the said Jenings had publick said that he the
said Jenings had received of him the said Tench One hundred pounds
for the said Office that some time in the year 1738 the said Thomas
Bullen being summoned to attend the Honourable the House of
Delegates then sitting in Annapolis John Leeds of Talbot County
came to him the said Thomas and told him that M^r Tench Francis
wanted to speak with him upon which he went to the House of the
said Richard Francis and the said Tench came to the door and took
him into A Room and told him the said Thomas Bullen that the
said Leeds had been with him and had offered him a Sum of Money
for the Clerks place aforesaid and that he the said Thomas must
Resign it upon which the said Thomas told him it was hard to resign
at that Time when the country were in a ferment about the matter
and that if he must resign he would choose to do it when the matter
was over and quiet and which would be in a few months In answer
to which the said Tench said that it must be then for that he intended
to leave the parts and Resolved to go to Philadelphia upon which
the said Thomas told him the people would Sacrifice him the said
Thomas, and asked what would become of him In answer to which
the said Francis told him that he should come to no harm or be
hurt on which the said Thomas told him he would Resign whereupon
the said Tench desired him the said Thomas to go to the said Leeds

and ask him for 320*l* Sterling for the place of Clerk of Talbot County aforesaid and if he could get it he should have twenty which accordingly the said Thomas did thinking himself in duty Obligated to Obey the orders of the said Tench not thinking them unlawful and met the said Leeds near the House of Captain Mariot, where or near the Place where he had parted with him before and asked him the said Leeds after some previous discourse what he would give for the Office of Clerk and after some questions by him the said Leeds asked of him the said Thomas as whether he would resign the place aforesaid and such others relating thereto and after his answering in the Affirmative he the said Leeds asked what he would take the said Thomas told 320 *l* Sterling whereupon the said Leeds Offered 130 *l* Sterling or more and other Offers of Land and other Composition thinking the Sum of Sterling money too large the said Thomas not finding Leeds comply and not being very forward returned to the said Francis in some time after upon which the said Francis told him that Leeds aforesaid had been with him the said Francis and declared to him that he could purchase the Office of him the said Thomas for a Trifle 130 *l* as he the said Leeds had said ; the said Bullen answered and said he believed he would give more and that he asked him the 320 *l* upon [which] the said Francis desired the said Bullen to go to the aforesaid Leeds and tell him to come to him the said Francis and agree with him which the said Thomas Bullen accordingly did in a short time, in Annapolis aforesaid and told the said Leeds he must go and agree for the place aforesaid with the said Francis

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In a few days after the said Thomas being called before a Committee of the House of Delegates in relation to some ill Practices in the said Office he returned to him the said Tench Francis and asked him if he the said Thomas might not as well have the said Office as Leeds and that he could afford to give as much as Leeds should upon which the said Francis answered that he should have it for 250 *l* sterling and then parted, some time after which, he the said Thomas at or near Talbot County Court House in Court time had some discourse with the said Francis and told him he could not procure the money but that if he would continue him in the Office he would make him any reasonable consideration, but that if he Insisted he would resign. They thereupon also parted, and in about A Week or some few days after in the Court Time of Talbot County aforesaid the said Tench Francis came into the Court House of the said County and into the Office there with an Instrument of Writing in nature of a Resignation of the said Office into the hands of the said Edmund Jennings Secretary aforesaid and desired him the said Thomas to execute the same which he the said Thomas Complied with and sealed the same, to which the said Tench Francis Signed as an Evidence and that at the same time he the said Tench told him the afore-

L. H. J. said Thomas, he should have his Bond and that he would take something from under the Hand of the said Thomas for the fees that were unpaid, the next day after the execution of the said Instrument of Resignation the said Thomas went to the dwelling House of the said Tench Francis and there found Captain Ambrose Cock and John Leeds aforesaid and applied to said Francis for his Bond aforesaid In answer to which the said Francis told him he was then busy and asked him if he could not Trust him;

At the said time the said Leeds and he the said Thomas walked out and the said Thomas told him that M^r Francis had used him unkindly and that it was hard that he should be so turned out of the Office and told the said Leeds that he gave a great Sum of Money for it, upon which the said Leeds enquired into the Annual Value of the said Office and soon after the said Leeds came over to Annapolis and on his Return, told the said Thomas he Could not get his Commission then but that he must again repair to Annapolis in about A Fortnights time and then should get his Commission, And that the Secretary had Ordered it so, and which accordingly he did at the appointed time but then again returned without the said commission occasioned as the said Thomas believed by the Want of A Resignation Endorsed on the Commission of him the said Thomas as appears by the letter hereunto annexed signed Tench Francis and which Resignation the said Thomas endorsed on the back of the Commission as required and delivered it to the said Tench Francis and believes the said Francis sent the same to the said Leeds and in about four or five days after the said Leeds entered into the said Office of Clerk of the said County and was qualified before William Thomas Junior one of the Justices of the said County

Articles of Agreement Indented made Concluded and Agreed upon this first day of June Anno domini Seventeen hundred thirty and four between Richard Francis of the City of Annapolis in the Province of Maryland Gent of the one part and Thomas Bullen of Talbot in the same province Gent of the other part Whereas the said Thomas has by means and at the Instance of the said Richard Francis been Nominated and Appointed Clerk of Talbot Court thereupon the said Thomas for himself his Heirs Ex^{ts} and Adm^{rs} and for every of them doth hereby Covenant and Grant to and with the said Richard Francis his Ex^r and Adm^{rs} in manner following, first that he the said Thomas shall and will, well, faithfully, diligently and compleatly do Execute and Perform all the Acts duties, and
 p. 867 Services belonging to the said Office from the time of his admission thereto for and during the term of twelve years if he shall so long live and continue therein according to the best of his understanding and Abilities, that he shall not willingly either resign the said Office during the same time without a request in Writing under the Hands and Seals of the said Richard Francis his Ex^{rs} or adm^{rs} respectively,

or willingly, do, or neglect to do any Act which may forfeit the same Office or cause him to be removed therefrom unless by the particular Orders of the said Richard Francis or his Assigns. Item, that he the said Thomas, shall and will during all the time of his Continuance in the said Office Observe and Perform all the just orders and directions of him the said Richard Francis his Ex^{rs} or Administrators or the Assigns of him or them respectively in the Execution of the said Office. L. H. J.
Lib. No. 45

Item that he the said Thomas shall and will during all the same time observe and perform all the just Orders & directions of the said Richard Francis his Executors or Administrators or the Assigns of him or them respectively in Charging, Securing and Compelling Payment of all Fees and Profits by the said Office arising and growing due

Item that he the said Thomas shall and will during all the same time do all usual and necessary Acts in Charging Securing and compelling payment of the same fees and profits according to his best Ability when he is not particularly Ordered or directed therein as aforesaid.

Item. that he the said Thomas his Ex^r or Adm^{rs} shall and will yearly and every year during all the same time draw fair Accounts in a Book particularly charging all Persons with all fees for any Services in the said Office done, shall make and sign fair copies of them shall cause the same fees to be collected at the expence of the said Richard Francis &c^a in such Manner as the said Richard Francis his Ex^{rs} Adm^{rs} or Assigns shall direct and shall Annually pay all and every part of the same fees actually received to the said Richard Francis his Ex^{rs} Adm^{rs} or Assigns,

Item that the said Thomas shall and will Yearly during his continuance in the said Office send or bring a fair list (being first proved by the said Thomas his corporal Oath) to the Secretary of the Province of Maryland for the time being of all fees drawing due to the said Thomas as Clerk of the County Court aforesaid without diminution or fraud at or upon the tenth day of May yearly. Item that the said Thomas shall and will at any time hereafter at the Request of the said Richard Francis his Ex^{rs} or Adm^{rs} by Writing under their hands resign and Surrender the said Office into the Hands of the Secretary of the Province of Maryland by Writing under his Hand and Seal, and shall surrender all things to the said Office belonging to such person as the said Secretary shall appoint to succeed him therein And the said Richard Francis for himself his heirs, Executors and Administrators doth hereby covenant to and with the said Thomas his Executors and Administrators in manner following.

First that he the said Richard Francis will yearly on or before the tenth day of June pay or Cause to be paid to the Secretary for the

L. H. J. time being one full tenth part of all the fees in the said List men-
 Lib. No. 45 tioned for and on behalf of the said Thomas. Item that the said
 Richard his Ex^r and Adm^{rs} shall find and provide for the said
 Thomas Sufficient Record Books and paper for all Services to the
 said Office belonging. Item. that the said Richard Francis his
 Executors Administrators or Assigns shall and will pay to the said
 Thomas Bullen in Talbot County his Ex^{rs} Adm^{rs} and Assigns yearly
 during the time of his Continuance in the said Office the following
 Sums viz. for the first and second year Six Thousand Pounds of
 Tobacco each for the third and fourth years seven thousand pounds
 of Tobacco each for the fifth and sixth years Eight Thousand
 Pounds of Tobacco each and for each year afterwards nine Thou-
 sand pounds of Tobacco and in case the said Thomas Bullen shall
 dye before the Expiration of any year such part of that years Sallary
 as shall be proportionable to the time of his Service fully perfected

In Testimony whereof the Parties aforesaid have hereunto set
 their Hands and Seals the day and year first above written

Sealed and Delivered

in Presence of Benj. Tasker R^d Francis (Seal)
 Tho^s Bullen (Seal)
 True Copy.

An Exact copy of the Assignment of the aforesaid Richard Fran-
 cis to Tench Francis viz.

M^r Thomas Bullen. Whereas I cannot be present at Talbot
 County to give you directions concerning the management of the
 Office of Clerk of the said County as often as occasion shall require
 you are hereby directed and required to follow the Advice, directions
 and Instructions of M^r Tench Francis in all particulars relating to
 the said Office and you are also to account with him for and pay
 p. 868 to him all Fees to be Received and to take his directions and appoint-
 ment concerning the manner of the Collection and payment of the
 said Fees and in what kind the said fees shall be paid whether in
 Gold Paper currency or Tobacco and whatever you shall do herein
 in pursuance of his direction Advice or Instruction shall sufficiently
 discharge and indemnify you from any right or demand whatsoever
 relating to the said Office from me who am,

Your humble Servant

June 3^d 1734

R : Francis

Maryland ss^t Know all men by these Presents that I Richard
 Francis of the City of Annapolis in the Province of Maryland Gent
 am held and firmly bound to Thomas Bullen of Talbot County in the
 province aforesaid in the full and just Sum of One Thousand

pounds current money of Maryland to be paid to the said Thomas his Executors Administrators or Assigns to which payment to be made I bind myself my Heirs Executors and Administrators firmly by these Presents Sealed with my seal and dated this first day of June Anno Domini 1734

L. H. J.
Lib. No. 45

The Condition of this Obligation is such that if the above bound Richard Francis his Heirs Ex^{rs} and Administrators and every of them do and shall well and truly observe perform fulfill pay Accomplish and keep all and every the Covenants Grants Articles Claims payments Conditions and Agreements whatsoever mentioned and comprized in Articles of Agreement bearing equal date herewith and made and mentioned to be made between the said Richard of the one Part and the said Thomas of the other part which on the part and Behalf of the said Richard Francis his Executors and Administrators are or ought to be observed performed fulfilled paid Accomplished or kept according to the true Intent and meaning of them then this Obligation to be Void otherwise to be in full force and Virtue

R. Francis (Seal)

Sealed and Delivered in the Presence
of Benj^a Tasker

Wednesday even

Sir

I have Received a Commission from M^r Dulany appointing you p. 869 Commissary which I am to deliver you on M^r Leeds's being appointed Clerk. M^r Leeds cant get his commission until you make a resignation upon the back of your Commission for which I send this messenger below you have the form of the Resignation which you are to Indorse on the back of your Commission and sign and seal it and send it immediately to me, the Bearer must bring it to night to

Your humble Servant Tench Francis

To M^r Thomas Bullen

Talbot County ss. I hereby resign and Surrender this Commission and the Office therein mentioned into the Hands of the Honourable Edmund Jenings Esq^r Secretary of the province of Maryland Witness my hand and Seal the fifth day of July Anno Domini 1738

On Reading this Report Ordered the said Report be entered on the Journal and the Papers annexed thereto for further Consideration the next Session of Assembly.

The following Message sent to the Upper House by Col^o King and M^r Robert Lloyd (See page 244.)

The House adjourned until the Morrow Morning at 9 of the Clock.

L. H. J.
Lib. No. 45
May 31

Thursday Morning May 31st 1739.

The House met according to Adjournment &c^a

All Present that were Yesterday except Mr Hynson Col^o Hooper hath leave of the House to go Home Mr Edward Lloyd hath leave of the House to go Home on Saturday morning

Edmund Jenings Esq^r from the Upper House delivers Mr Speaker the following message (See page 245.)

The Address to the Governor being Ingrossed.

Col^o Hanson and Col^o Colvill Ordered to acquaint his Excellency thereof and to desire to know when and where he will receive it. they return and acquaint the Speaker the Governor will be Ready to receive the address in the Council Chamber immediately.

Col^o Hanson and twelve more sent to present the Address.

On motion leave Given to bring in a Bill to empower the county courts to take possession of Estates for the Benefit of Orphans and creditors where there are no relations or creditors that do administer in A Certain Time on the deceased Persons Estates.

The Conferees relating to an Officers fee Bill report (Proceedings of May 31, see page 251.)

p. 870 The consideration thereof referred until the morrow morning

The House adjourned till two of the Clock in the Afternoon

Post Meridiem

The House met again according to adjournment &c^a

Mr Mathews from the Committee of Aggrievances &c^a delivers Mr Speaker the following Report

By the Committee of Aggrievances and Courts of Justice
May 31st 1739

Your Committee humbly Observe that his Lordships issuing his Proclamations declaring his Intention to Vacate Grants of Lands made by himself or his Ancestors on Pretence that the same contain Surplus within the Metes Courses or natural Bounds by which the same were Granted and his further declaring his Intention to Grant the same to any or the first discoverer have and may still prove of the highest and most Pernicious consequence to the Quiet, Peace, and Safety of his Majestys Liege Subjects, by Encouraging Informers, Raising & Propagating Litigious and Expensive Law Suits, dispossessing Families of their long continued Tenures and by Invading Property of the highest nature.

That in pursuance of such proclamation his Lordship has accordingly by his Attorney General filed several Informations in Chancery against divers his Majestys Liege Subjects calling in Question and with full design and Intention by his said Lordship or his Chan-

cellor by him appointed to Vacate such Grants so as aforesaid by him or his Ancestors made to the Intolerable expence charge and Aggrievance of the people and may in Time if not prevented tend to the utter Subversion of the Landed Estate or property of the Good People of this Province for which they and their Predecessors have honestly paid a full consideration to his Lordship and his Ancestors and for the Enjoyment of which in Quiet and Security, they left their native Country, Risqued their Lives against a Heathen Merciless Savage People the Inclemencies of the Seas Air, Intemperature of Climate But your Committee humbly submit the same to the Consideration of your Honourable House

L. H. J.
Lib. No. 45

Signed p Order of the Committee S Bordley Cl Com.

On Reading this Report the Consideration thereof is referred to Saturday morning

The Bill Entituled An Explanatory Act to the Act Entituled An Act for the speedy Trial of Criminals & ascertaining their Punishments in the County Courts &c^a Read the second time and will not pass

George Plater Esq^r from the Upper House delivers M^r Speaker the following Bill Entituled (For the text of this bill see page 247.)

And the following message (See page 246.)

p. 873

On Motion ordered that the Act Entituled An Act for Settlement of An Annual Revenue upon her Majestys Governor within this province for the time being made 1704 be entered at large in the Journal of this House that the same may appear to all Impartial Judges how far the said Law can be supposed to have been made or Intended for the Benefit of the Lord Proprietary his Governor or Government

An Act for Settlement of An Annual Revenue upon her Majestys Governor within this Province for the time being.

See 26
Archives
p. 312

Whereas by An Act of Assembly formerly made Intituled An Act for providing A Support for the Lord Proprietary of this Province And likewise A supply for defraying the publick charge of the Government it was by the said Act published and declared that from and after the first day of September then next ensuing there should be raised levied Collected and paid to the said Lord Proprietary the sum of two Shillings Sterling for every Hogshead or Quantity of a Hogshead of Tobacco which should be at any time thereafter shipped in any Ship or Vessel to be exported out of this province on condition that his said Lordship should receive his Rents and fines for alienation of Lands in good Sound Merchantable Tobacco when tendered at the rate of two pence p Pound for one moiety of the said Imposition, the other moiety by the said Act raised to be employed towards maintaining a constant Magazine and

L. H. J. defraying other publick and necessary Charges of the Government
 Lib. No. 45 And Whereas former Assemblys upon strict Enquiry made into the Premises did find his said Lordship had not only been very deficient and at small charge and Expence in maintaining a Magazine as aforesaid but that this Province hath been Obligated to defray all publick Charges arising for the support of Government by way of an equal Assessment upon the Inhabitants thereof the several Provisoos in the afore recited Act to the Contrary notwithstanding And Whereas also his said Lordship the aforesaid Moiety of two Shillings p hogshead under pretext of maintaining A Magazine as aforesaid (until the time of their late Majestys King William and Queen Mary taking this Province under their immediate protection) did Convert to his own use to the Impoverishing the Country and defraud of the publick and being Incapacitated of Complying with what by the said Act for the said moiety of two shillings per Hogshead as required

Be it therefore Enacted by the Queens most Excellent Majesty by and with the Advice and Consent of her Majestys Governor Council and Assembly of this province and the Authority of the same that the said One Shilling per Hogshead for the defraying the Charges of Government aforesaid as well for such Ships and Vessels as have already Cleared before the making of this Act as for such remaining in this province be raised Levied Collected and paid unto our Sovereign Lady the Queens most Excellent Majesty her heirs and Successors for the support of her Government for the time being in and over this her Majestys Province aforesaid and the Territories to the same belonging for every hogshead and Quantity of an Hogshead of Tobacco which hath been for and during the time aforesaid or which hereafter shall be at any time Shipped in any Ship or Vessel to be exported out of this Province or any the Territories Islands Ports Rivers Creeks or places thereunto belonging as aforesaid

And be it further Enacted by the Authority aforesaid by and with the Advice and Consent aforesaid that the said duty and Imposition shall be from time to time paid and Satisfied by the Master or Masters of every such Ship or Vessel respectively in which any such Tobacco shall be exported upon his or their Clearing or taking out his or their dispatch or dispatches for every such Respective Ship or Vessel and before the departure of such Ship and Vessel coming into this province shall at their first arrival here and before their Loading on Board any Goods or Commodities of the Growth production or manufacture of this province give good and sufficient Security to his Excellency or to the Officer thereunto especially appointed for the payment of the said duty or Imposition accordingly

Provided Always and it is the true Intent and meaning hereof that this Act nor any thing herein contained shall be Adjudged construed reputed or taken (any thing herein expressed to the con-

trary notwithstanding) to disanull or make void his Lordships right to the other Moiety of the said two Shillings per Hogshead to be paid in Consideration of his rents and Alienation Money in Tobacco at two Pence per Pound during the term of his natural Life) but that the same be kept and hereby preserved to his Lordship in as full and ample manner as by the said Law is expressed or intended or in the least to discharge his Lordship of receiving the Rents aforesaid at two Pence per pound as by the said Act is enjoined during also the Term of his natural Life nor to discharge his Lordship from accounting for the Arrears of the One Shilling per Hogshead for supporting the Government and providing Arms and Ammunition but that he be obliged to all the aforesaid matters and things as fully and strongly as if the said Law were in full force

L. H. J.
Lib. No. 45

And be it further Enacted by the authority aforesaid that every Master of a Ship or Vessel as aforesaid at the time of his Clearing shall upon Oath declare the Quality and Quantity of his Loading and that the Naval officer by the Governor aforesaid appointed for the time being shall and is hereby empowered to administer the said Oath and in Case the said Master shall refuse the said Oath or upon Suspition of having Goods on Board for which he hath not Cleared it shall be lawful for the said Naval Officer to enter on Board any such Ship or Vessel and the same to search for any such Goods as aforesaid any thing in this Act before mentioned notwithstanding.

p. 874

September 21st 1704

September 21st 1704

Read and Assented to by the
House of Delegates

Read and Assented to by her
Majestys honourable Council

W. Taylard Ct to : D

W Bladen Ct Council

Maryland October 3^d 1704

On Behalf of her Majesty &c^a I will this be a Law

(Great Seal) Jo: Seymour

The Bill Entituled An Act for laying out The Town a new commonly called Snow Hill Town read the second time and was passed

On Motion leave given to bring in a Bill to raise a Fund to be applied to the payment of An Agent and for other the necessary Services of this Province in Affairs that may be transacted by such Agent in Great Britain and that the Application of such Fund be under the directions of this House and not otherwise

Ordered that the Committee of Laws prepare and bring in a Bill accordingly and receive it as an Instruction that the duty be raised on Tobacco

An Ingrossed Bill Intituled An Act for the Speedy and effectual Publication of the Laws of this Province and for the Encourage-

L. H. J. ment of Jonas Green of the City of Annapolis printer was read and
Lib. No. 45 assented to

The House adjourned until to Morrow Morning at nine of the Clock

June 1 Friday morning June 1st 1739 The House met according to Adjournment: all present that were yesterday except Col^o Hooper

The Bill Entituled An Act for laying out the Town a new commonly called Snow Hill Town sent to the Upper House by M^r Henry and M^r Gale

The House adjourned for a Quarter of an hour The House met according to Adjournment the Members were called and all Appeared

An Ingrossed Bill Entituled An Act to vest an Estate in fee simple of and in a Tract of Land called Ropers Neck in Benjamin Howard and for settling other Lands of equal Value in Lieu thereof Read and Assented to

And the Ingrossed Bill Entituled An Act for the Speedy and effectual publication of the Laws of this Province and for the encouragement of Jonas Green printer sent to the Upper House with the paper Bills by Captain Gordon and M^r Aisquith

The Bill Entituled An Act for laying out and Applying a Sum not exceeding 200 $\frac{1}{2}$ current money to the uses therein mentioned Read the second time and will pass sent to the Upper House by Captain Thomas Gassaway and M^r Gale

On Reading the Report of the Conferees relating to an Officers fee Bill Ordered that the Conferees of this House acquaint the conferees of the Upper House that this House having taken into consideration the Report of their members appointed conferees concerning the Officers fee Bill and the proposal made by the Conferees appointed by the Upper House of making that Bill A perpetual Act do unanimously agree that it would be of the most dangerous and destructive consequence to the people of this province to make such An Act perpetual and that their Conferees aforesaid have it in
p. 875 charge to acquaint the Conferees of the Upper House with this Resolution and Reject the proposal aforesaid and that if the said Conferees from the Upper House should refuse to proceed in the Conference without this Houses acquiescing in that Proposal they be told as from this House that all the Evils that shall arise to the People of this province for want of An Act for regulating Officers fees must be laid to the Charge of the Upper House inasmuch as this House by the Bill proposed have given larger fees and a longer duration than has been in the like Act in our neighbouring Colony of Virginia which is immediately under his Majestys Auspicious Government and Protection and have done every other thing in their Power in Order to render such a Bill Useful to the Province

A Bill Entituled An Act to cut and Bar the Intail of part of a certain Tract of Land called Williams Range in Prince Georges County and to settle other Lands in Lieu thereof read the first and second time by an Especial Order and will pass sent to the Upper House by M^r Moale and M^r Gassaway

L. H. J.
Lib. No. 45

The House adjourned until two a Clock in the Afternoon

Post Meridiem The House met according to Adjournment &c^a

M^r Dulany hath leave to be Absent till Monday

Ordered that the Committee of Accounts employ a Clerk Assistant

A Bill Entituled An Act for the Security of Orphans and Creditors read the first time and ordered to lye on the Table.

A Bill Entituled An Act to oblige the several Sheriffs of this Province to keep their Prisoners in the County Goals that are now built, or shall be hereafter built, read the first time and Ordered to lye on the Table

M^r Mathews from the Committee of Aggrievances &c. delivers M^r Speaker the following Report.

By the Committee of Aggrievances and Courts of Justice

June 1st 1739

Your Committee most humbly Observe that since the erecting of A Chancery Court by the Laws of this Province the Custom and Usage has been when matters were to be examined into out of Court that upon the prayer of the Parties to the Chancellor a Commission did issue to four Creditable Gentlemen of the Neighbourhood most capable and living comodious to examine Evidences Accounts and other matters and to make a Return of such their Proceedings into the said Chancery Court, That the said Method has been found Convenient and of no great Charge to the Suitors in the said Court

That of late a new Office has been erected and an Officer appointed in the said Chancery Court without any law of this Province to support the same and by whom new fees are taken Burthensom and Oppressive and the said Office and Officer no way answering the Convenience and Service of the People equal to the Commissioners so as aforesaid time out of mind appointed to the same purposes and uses

Your Committee most humbly Conceive that according to the laws of our Mother Country (the Birth right of every Liege Subject here) that no new Offices can be erected with new fees nor new fees appointed to old Offices without our Common Assent in Assembly wherefore and inasmuch as the Contrary has been done in this case Your Committee most humbly conceive the same to be an Aggrievance and innovation on the right of his Majestys Liege Natural

L. H. J. and dutiful Subjects the people of Maryland but is most humbly
 Lib. No. 45 Submitted to the Consideration of your Honourable House.

Signed p Order of the Committee S Bordley Cl.

which Report was read the House Unanimously Concurred there-
 with

The House adjourned until to Morrow Morning at nine of the
 Clock

June 2

Saturday morning June 2^d 1739

The House met according to Adjournment

All Present that were yesterday except M^r Edward Lloyd and
 M^r Dulany

M^r Aisquith hath leave to go Home

The Conferees relating to the Officers fee Bill deliver M^r Speaker
 the following Report. (Of Session on June 1. See page 251.)

p. 876 Upon reading the foregoing Report this House have again taken
 the Subject matter thereof under their Consideration and Unani-
 mously agree that the Answer of the Honourable the Upper House in
 refusing to consider of th Quantum of Officers fees to be established
 by any law but such as shall be perpetual and further insisting that
 they conceive the Proprietary Authority to settle Officers Fees where
 there is no perpetual Law for that purpose to be indisputable tends
 to vest in his Lordship the Right Honourable the Lord Proprietary
 an Arbitrary Power inconsistent with any power or powers granted
 by the Royal Charter Resolved therefore that this House in Safety
 to themselves and their Constituents and Posterity cannot agree
 to a Perpetual Law in Respect to Officers fees and are Clearly of
 Opinion that the Execution of such power as is contended for by the
 Upper House to be vested in his Lordship is without foundation and
 inconsistent with the Liberty Property and Quiet of his Majestys
 liege Subjects the Inhabitants of this province

Col^o King from the Committee of Accounts acquaints M^r Speaker
 that in the Treasurers Account of the Western Shore there appears
 an Article of £16..15..4 Charged the Province with an Order of the
 Governor and Council payable to Captain George Beale for publick
 Service

The House taking this Article as Charged into Consideration
 Ordered the following Entry to be made viz.

Whereas His Excellency the Governor and the Honourable his
 Lordships Council have drawn their order on the Treasurer of the
 Western Shore payable to Captain George Beale for publick service
 for the sum of £16..15..4 Currency out of A Fund to be applied by
 the General Assembly Inasmuch as this House are not willing to
 enter into any disputes or contentions with his Excellency or his

Lordships Council have Ordered the Committee of Accounts to pass the said Article in the Credit of Accounts of said Treasurer but always reserving to this House their Undoubted Right to share in ordering the application of the said money or excepting against any payments that shall be made without their previous consent therein had as the Act in that case provides

L. H. J.
Lib. No. 45
p. 877

The House Adjourned until two of the Clock in the Afternoon

Post Meridiem the House met according to Adjournment &c^a

On Reading the Report from the Committee of Aggrievances relating to his Lordships Right of Vacating Grants the House concurs therewith Except M^r William Harris

A Bill Entituled An Act for the relief of Levin Hill Thomas Gough Ezekiel Orrick Samuel Deavor and Thomas Somes languishing prisoners in Ann Arundel County Goal, Sarah Butcher a languishing Prisoner in Dorchester County Goal, William Biggs a languishing prisoner in Saint Marys County Goal James Rantom Peter Hyatt languishing Prisoners in Prince Georges County Goal and William Gibson a languishing Prisoner in Queen Anns County Goal read the first time and ordered to lie on the Table.

It being moved by a member that the Treasurers Accounts and Journals of the Committee of Accounts have been hitherto kept in loose sheets by which means several cant be found

Ordered that the Clerk of this House record the Treasurers Accounts and Journal of the Committee of Accounts in Books to be kept for that purpose

The House Adjourn until Monday Morning at 9 of the Clock

Monday Morning June the 4th 1739

June 4

The House met according to Adjournment &c^a The members all Present as on Saturday except M^r Aisquith M^r Magruder and Major Sprigg.

M^r Goldsborough appeared this Morning

The Bill Entituled An Act for the Relief of Levin Hill &c^a read the second time and will pass sent to the Upper House by M^r Hanson and M^r Goldsborough

It appearing to this House by the Account of Thomas Jobson the Serjeant at Arms attending this House delivered into the Committee of Accounts for allowance for summoning the Justices of Talbot County by Order of the late Lower House of Assembly that the same was not paid by Thomas Bozman and Risdon Bozman altho the same was taxed and Ordered to be paid by them and as this Session is apprehended to be drawing near to a Conclusion Ordered that the sending for the said Thomas Bozman and Risdon

L. H. J. Bozman to know why they did not comply with the Order of this
 Lib. No. 45 House be referred to the next Session and that the Committee of
 Accounts allow the said Jobsons Account in the Journal accordingly
 The House adjourns until two of the Clock in the afternoon

Post Meridiem The House met according to Adjournment &c

Ordered that the Committee appointed to draw an Address to the Governor relating to the General Aggrievances reported this Sessions &c. Employ a Clerk. It being moved that several Journals of the lower House of Assembly are missing in the Assembly Office several Journals of Accounts Treasurers Accounts and other Proceedings of the Lower House that ought to be Lodged in the Assembly Office. Ordered to M^r Vachel Denton and Doctor Charles Carroll make an Enquiry where the same are lodged, and Collect the same, and make Report thereof to the House next Session, and that they likewise Obtain Authentick copies of all other papers they shall have occasion of for the use of the publick and that they employ a Clerk to attend them for the said purposes.

George Plater Esq^r from the Upper House delivers M^r Speaker the Bill Entituled An Act to cut of and Bar the Entail of part of a certain Tract of Land called Williams Range &c^a and the Bill Entituled An Act for laying out and applying a Sum not exceeding two hundred pounds for the uses therein mentioned severally Indorsed By the Upper House of Assembly June 4th 1739 Read the second time and will pass which Bills were here read and passed for Ingrossing

Col^o Hammond from the Upper House delivers M^r Speaker the Bill Entituled An Act for laying out the Town a new called Snow Hill Town &c^a Indorsed. (See page 253.)

p. 878 which Bill was here read and with the Amendments passed for Ingrossing

Philip Lee Esq^r from the Upper House delivers M^r Speaker the following Message (See page 253.)

A Bill Entituled An Act to raise a fund to be Applied for the payment of an Agent and other necessary uses of this Province read the first and second time by an especial Order and Passed & sent to the Upper House with the following message by M^r Calder and M^r Sheredine (See page 254.)

A Bill Entituled An Act for reviving An Act Entituled An Act for raising three Pence p hhd on all Tobacco to be exported for purchasing Arms and Ammunition for the defence of this province Read the first time and Ordered to lye on the Table

The Bill Entituled An Act to Oblige the several Sheriffs of this Province to keep their Prisoners in the County Goals that are now

built or shall be hereafter built read the second time and will not
 Pass L. H. J.
Lib. No. 45

The following message sent to the Upper House (See page 255.)

The House adjourns until to Morrow Morning at nine of the
 Clock

Tuesday Morning June the 5th 1739

June 5

The House met according to Adjournment &c^a The Members
 all Present as yesterday

On Reading the second time the Bill Entituled An Act reviving
 An Act Entituled An Act for raising three Pence p hhd on all
 Tobacco to be exported for purchasing Arms and Ammunition for
 the defence of this province

The Question was put whether the Continuance of the Act be p. 879
 for three Years and to the end of the next Session of Assembly or
 for one year Resolved that it be for three years

For three years

| | | |
|------------------------|--------------------------|------------------------|
| M ^r Waughop | M ^r Middleton | M ^r Mathews |
| Swann | Hanson | Caswell |
| Wilson | Smallwood | Wootton |
| Carroll | King | Os. Sprigg |
| Gassaway | Stoughton | Dulany |
| Smith | R. Lloyd | Gordon |
| Weems | Sheredine | Clayton |
| Hall | Moale | Pemberton |

For one year

| | | |
|---------------------|-----------------------|-----------|
| M ^r Read | Gale | George |
| Harris | Goldsborough | Colvill |
| Calder | Thomas | Rumsey |
| Denton | M ^r Trippe | Pearce |
| Courts | Ennals | Wilkinson |
| Henry | Brannock | |

On Resolution of the above Question the Question was put
 whether the said Bill shall pass or not resolved in the negative

For the Affirmative

| | | |
|------------------------|---------------------|--------|
| M ^r Waughop | Hanson | Tripp |
| Harris | Henry | Dulany |
| Middleton | M ^r Gale | Gordon |

L. H. J.
Lib. No. 45

For the Negative

| | | |
|------------------------|-----------|-------------|
| Mr Read | Calder | Gassaway |
| Swann | Carroll | Smith |
| Wilson | Denton | Weems |
| Mr Hall | Mr Ennals | Mr Mathews |
| Courts | Brannock | Caswell |
| Smallwood | George | Wootton |
| King | Colvill | Osbn Sprigg |
| Stoughton | Rumsey | Clayton |
| Goldsborough | Pearce | Pemberton |
| Rob ^t Lloyd | Sheredine | Wilkinson |
| Thomas | Moale | |

The Governor Communicated the following answer to the Address of this House

Gentlemen of the Lower House of Assembly

I have considered your address delivered to me on Thursday last and can very truly assure you that it has been my constant and uninterrupted View and Aim, ever since I had the Honour of being appointed Governor of this province, to promote the General Happiness and Prosperity of it, by all the Ways and means that have lain in my power, and I have the Pleasure of flattering my self, that my Endeavours have not been without some Success, but that both the Trade and Riches of this province have greatly increased during the time of my Administration, and I am perswaded they would have done so in a much higher degree, had our paper money been put upon that Foot of Credit which the Government laboured so heartily and sincerely to give it, and which could be done no other way then by putting it to as many uses as possible, as must be readily Allowed by every man of understanding, who has given any reasonable attention to Trade, and the proper means of carrying it on

As what I now say is not only well known to all men of business here but to every Merchant in London who is acquainted with the Trade of this Province I hope it will be looked upon as a Sufficient Answer to all General Charges of Oppressions and Grievances so often mentioned this Assembly, and as to particular ones I make no doubt of giving Satisfactory answers to them whenever you shall please to lay them before me

The present Subject of your address is the twelve pence p hhd raised for the support of Government, which You say “You are sensibly concerned to find has been since the twenty ninth of September seventeen hundred and thirty three Collected and Levied from the People of this province without any law that you know of to warrant the same

That you have been indeed informed by the several Naval Officers that they levy that money by Virtue of An Act of Assembly made in the year 1704 Entitled An Act for settlement of An Annual Revenue upon her Majestys Governor within this province for the time being

L. H. J.
Lib. No. 45

This manner of expressing your selves would really have inclined me to believe, that you had not before known by what Law the said twelve Pence p hhd had been collected till the Information above mentioned from the said Naval Officers; was it not so notoriously known that the said law of 1704 was not only under the Consideration of the Lower House of Assembly in the year 1733 but has been greatly canvassed in Conversation by the members of every Assembly that has met since that time, and that it has been universally looked upon by every part of the Legislature since that time as a law in force and being till some Gentlemen of new light (for I find We have new Light in Politicks as well as in Religion) lately undertook to undeceive us in this particular

If the said Law should be found not to be in force I must own I should be greatly surprized, as I believe many others would be of far greater knowledge and Experience than myself, but shall with all duty & Submission be at all times ready to submit myself to the Judgment of Superiors at home where neither the Artful Practices of Arbitrary and corrupt Governors nor the causeless clamours of self Interested and ill designing men can cover themselves with those disguises which are but too often put on before less Penetrating Judges, but everything must appear in its true and proper light and be judged of accordingly

p. 88o

I must confess indeed that the opinion of the Lower House of Assembly for which I must at all times have the greatest Regard would have had more weight with me upon this occasion, had you not laid before me the Grounds and Reasons of it, set forth at large in the report annext to your address in which without taking upon me to determine what must be left to the Judgment of our Superiors as I mentioned before I hope I shall be able to point out a few Mistakes and misapprehensions that will be a sufficient excuse for me even with your House, for not considering the several Acts for raising money for the support of this Government in the same light that you have done

It might tire your Patience was I to follow you in the Recital of the several Acts of 1671, 1674, 1676, 1692, 1699, 1704, 1715, 1716, 1717 which take up many pages therefore shall only take notice of some mistaken Facts, and your Conclusions from them of so very Material a Nature that they seem to destroy the whole Foundation of your long Argumentation

In order to destroy the Validity of the Act of 1704 your Chief Argument is that tho a Law of the very same nature was given to the Crown in the year 1692 the said Law of 1692 was not deemed by

L. H. J. the Legislators to be perpetual but was continued by another law
 Lib. No. 45 passed in the year 1699 which Act of 1699 continued till the year 1704 at which time an Act passed Entituled An Act for settlement of An Annual Revenue upon her Majestys Governor for the time being which Act of 1704 you wou'd have to be no more perpetual than that of 1692 pray take notice of the very words of the Report.

Your Committee humbly Observe that by the frequent Continuance and Re-enacting of the said Act of 1692 during the time when the Government and protection of this Province was in the Crown that the Legislators did not deem the same or any of them perpetual, but to have a Duration only with such Governor or Government

In answer to which I may think I may say that the said Act of 1692 appears to A Demonstration to have been looked upon as a perpetual Law, that it not only Continued in force without any Reenacting during Govern^r Copleys time Governor Nicholsons time and Governor Blackistons Time but likewise during the Internal betwixt the Government of the two last mentioned Gentlemen and Governor Seymours Arrival in 1704 when a repealing Law that then passed might make the Government think it necessary to have the Law of 1692 re-enacted another perpetual One made to the same purpose, which was done accordingly, and which is the Law by which the Governm^t is at present supported as to the Law you mention of 1699, to continue that of 1692, I must Confess, I can find no such Law, nor could your Committee that made the Report point out to me such a one on the Contrary I find that An Act passed in the year 1699 for repealing several Laws then in force, the Law of 1692 for the support of Government is expressly excepted out of the said Repealing Act, and is again excepted out of a repealing Act passed in the year 1700 Entituled An Act for repealing certain laws in this Province and confirming others which makes it manifest beyond Contradiction that it was looked upon as a perpetual Law and accordingly it continued without any new force being added to it by any Act passed in 1699 till the repealing Act in 1704 as above-mentioned

It would be too tedious to enter into a detail of all your other Arguments which I flatter myself you your selves will see the Insufficiency of upon a more attentive and deliberate Consideration but I can very truly say that however Fallacious they may appear to me, and however well Satisfied I may be of the Validity of the Law by which the Government is at present Supported I shall always be very willing to do any thing in my power to put a final end to all disputes of this nature consistent with my duty to his Majesty and the Lord Proprietary, which obliges me not to weaken in any manner that Support which the Government is at present by Law entituled to, and I would willingly perswade my self that there is no difference of Opinion amongst us upon this head but what may be easily reconciled by a little cool and impartial Deliberation

You very Justly express your sence " That a people living under a Government ought to be at the Charge of supporting it, and that you have not, any other Intention then to give his Lordship such an Honourable one as shall be adequate to the Ability of those you represent " And in the Bill sent up to the Upper House you propose twelve pence Sterling p hhd the same that the Government now collects by the present Law, what then can remain to quiet the minds of the most uneasy, but to Confirm the said Law if you think such A Confirmation in any manner necessary, and I believe I may leave it to yourselves, whether this will not more plainly manifest the desire your House has of Cultivating a Good Understanding betwixt the Government and people than Proposing A Bill with A Preamble setting forth That it doth not appear to this present General Assembly that there is any law now in force to raise a sufficient Support for the Government but that from the 29th day of September in the year of our Lord 1732 down to this Time the sum of twelve Pence for every hogshead of Tobacco exported out of this province hath been collected without any Law for so doing &c^a

L. H. J.
Lib. No. 45

It would be very easy to change this preamble and Substitute an other in its place as much reflecting upon the Lower House of Assembly, as that is upon the Government, but how much such Proceedings contend to cultivate a good Understanding amongst us, to which you say nothing shall be wanting on your part must be left to impartial People to judge

p. 881

Sam Ogle

On reading the Governors answer Ordered that an Address be prepared to the Governor thereon, and that the Committee appointed to prepare an Address to the Governor on the General Aggrievances reported this Session prepare this Address

The Bill Entituled An Act for the Security of Orphans and Creditors read and committed for Amendments

The House Adjourned until two of the Clock in the afternoon

Post Meridiem, The House met according to Adjournment &c^a M^r Thomas hath leave of the House to go home

An Ingrossed Bill Entituled An Act for laying out and Applying a Sum not exceeding 200^l Current money to the uses therein mentioned And an Ingrossed Bill Entituled An Act to cut of and Bar the Entail of part of A Tract of land called Williams Range lying in Prince Georges County and to settle other lands in lieu thereof severally Read and Assented to and sent to the Upper House with the paper Bills by M^r Sheredine and M^r Pearce

Col^o Gale from the Upper House delivers M^r Speaker the Following Bill Entituled An Act to raise A Fund to be Applied for the payment of An Agent and other necessary uses of this Province viz.

L. H. J. An Act to raise A Fund to be Applied for the payment of An
Lib. No. 45 Agent and other necessary Uses of this province

Whereas it is both necessary and convenient that there should be An Agent at the Imperial Seat of Our mother country Great Britain in Order there to transact the emergent and necessary Business of this Province and inasmuch as many Occasions do and may require a Sollicitation from his Majestys dutiful liege Subjects the Inhabitants of this province to his most sacred Royal and Gracious person who is the Protector and Father of his People and likewise to their noble Lord Proprietary residing there And Whereas such Agent cannot be supported but at the publick Charge nor such Sollicitations made or necessary Business transacted without a Fund to that purpose And for that this General Assembly are willing and desirous to charge themselves in the Staple Commodity of this province with Reasonable Tax to so good and desirable an end it is humbly prayed that it may be enacted And be it Enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordships Governor, and the Upper and Lower Houses of Assembly and the Authority of the same that immediately from and after the expiration of this Session of Assembly every Master or Commander of any Ship or Vessel trading into this province before the Clearing such Ship or Vessel shall pay unto the several and respective Naval Officers clearing such Ship or Vessel the sum of Six Pence Sterling money of Great Britain for every Hogshead or Quantity of an Hogshead of Tobacco taken on Board such Ship or Vessel in Order to be transported out of this province and for every hundred weight of Tobacco taken on Board such Ship or Vessel in order to be Transported as aforesaid either in Bundles Chests Case or other Package one Penny Sterling for every hundred weight and so pro Rato for a greater or lesser quantity And be it further Enacted by the Authority Advice and Consent aforesaid that the said several and respective Naval Officers within this province shall be and Are hereby Obligated yearly and every year during the Continuance of this Act to Collect the money arising by this Act in Sterling money in Specie or good Bills of Exchange made payable in Great Britain unto such respective naval Officer collecting the same and [said] Naval Officer shall be and he is hereby Obligated to pay the same so by him received to such Person or Persons as shall from time to time (by Warrant or Authority from the House of Delegates in Assembly convened under the hand of the Speaker of the same House for the time being) be appointed Trustees to receive the same deducting for the Trouble and care of such Naval Officer in such Collection and Payment aforesaid five pounds p Cent out of such money so to be received and paid and no more

And be it further Enacted by the Authority Advice and Consent aforesaid that such Person or persons so to be appointed Trustees

as aforesaid shall Yearly and every year during the Continuance of this Act with all Convenient speed transmit such money or bill or Bills of Exchange by them to be received from the several and respective Naval Officers aforesaid unto M^r Samuel Hyde Merchant in London who is hereby Authorized and Impowered to receive & Collect the money in such Bill or Bills mentioned and that such Money when so by him received shall remain in his hands and be as a fund for the Purposes aforesaid and paid by him to such Person or Persons as the Trustees so to be appointed as aforesaid or the Survivor or Survivors of them shall by Writing under their hands Order and direct the same and not otherwise And be it further Enacted by the Authority Advice and Consent aforesaid that such Person or Persons as shall from time to time be appointed as aforesaid to receive the Money arising by this Act from the Naval Officers aforesaid shall be and are hereby obliged to render and lay an Account thereof before the House of Delegates of this province when and so often as the same shall be by them required And be it further Enacted by the Authority aforesaid that the money arising by the duty aforesaid shall be applied towards the Payment of An Agent to be employed for this province to reside at London in Great Britain and to such other uses and purposes as shall from time to time be thought necessary by the Trustees aforesaid or the Survivors of them and not otherwise this Act to Continue until the twenty ninth day of September which shall be in the year of our Lord God One Thousand seven hundred and forty two and the following Indorsements thereon viz. (See pages 254 and 255.)

L. H. J.
Lib. No. 45

p. 882

And the following message (See page 255.)

The following address to his Excellency viz.

p. 883

To his Excellency Samuel Ogle Esq^r Governor and Commander in Chief in and over the province of Maryland.

The humble Address of the House of Delegates.

May it please your Excellency.

We his Majestys liegé Subjects the Delegates of the Freemen of the Province of Maryland in General Assembly convened being divested of all partial or self interested Views and prompted only by our Zeal for the publick Good, according to the duty of our Station have maturely considered the several particulars hereafter mentioned, concerning which we have received the loud Complaints of those we represent, and encouraged by your Excellencys kind Declaration at the opening of this Session that no man is come to this Assembly more sincerely desirous of the Welfare of the province than yourself or more willing to give a helping hand to the removal of every Obstacle to its Happiness and Prosperity beg leave to lay them before you as Grievances under which we and our constituents labour and whereof the evil consequences daily grow

L. H. J. upon us not doubting, that when they are set in their proper light,
 Lib. No. 45 we shall have your Excellencys helping hand to the removal of them
 as real Obstacles to Our Happiness and prosperity, that the people
 of this Province are Subjects of Great Britain and entituled to all
 the Rights Priviledges and Liberties of that their Mother country,
 is a truth we hope none will attempt to deny; and that the Basis
 on which their priviledges are principally founded is the right they
 have, of not being subject to any payments whether they be Taxes,
 Dutys Imposts fees or under any other denomination whatsoever
 but what shall be raised settled and appointed by laws to which by
 themselves or their Substitutes they give their Assent is a matter we
 conceive can admit of no Contradiction

We therefore acknowledge ourselves at a loss to know by what
 right or law fourteen Pence Sterling for every Tun of Burthen has
 for a considerable time past been levied on Vessels trading here and
 not properly belonging to this province We very well know that
 an act was made in 1661 for raising half A Pound of Powder and
 three Pound of Shot by the Tun on such Vessels and we as well
 know that by that law the same was not appropriated to the proprie-
 tarys for their own use, although they have ever since exacted the
 fourteen pence in lieu thereof and applied the same to their private
 [use]

We are not insensible of the Kings order in Council concerning
 that money in 1692 but beg leave nevertheless to say that whatever
 Obedience was paid to that Royal Order (which only did or indeed
 could regard the Application) yet the Act whereby it was pretended
 to be taken being repealed by another made in 1704 that Order
 must necessarily cease, and altho we dont immediately pay that
 money, yet as Merchants generally reckon Port and other dutys
 as Part of the cost of what they sell or Transact and account it as
 part of the price of what they purchase, we cannot but think it
 becomes a charge on the Province at last.

p. 884 We are sorry to find the Avenues to Justice in great measure
 shut up to the people by their being denied Access to some of the
 greatest Offices belonging to the Courts of Justice and refused their
 necessary Business there, without the severe Terms of entering into
 Bonds with Judgments some for fees before they become due, and
 others with conditions in large Sums on purpose to have recoveries
 in the Courts where the fees will arise to ten or more times the Value
 of the Principal debt which by the laws of this province might be
 recovered at the expence of half A Crown, and those Bonds yearly
 sent to the Sheriffs with discretionary powers to put them in Suit
 who by experience we find have in many Instances made the worst
 use of those powers in order to create fees for themselves as well as to
 the party who take such Bonds

The Power of late Assumed by his Lordship of settling and ascer-
taining the fees of the officers in the Courts of Justice by way of
Proclamation, is what we cannot submit to, without prostituting the
rights of his Majestys Subjects within this Province.

L. H. J.
Lib. No. 45

We do not know that ever the Kings of Great Britain exercised their prerogative in such Case, especially since the happy Revolution and on this Occasion we entreat your Excellency to consider that part of the Royal Charter which directs that no Ordinances made by the Proprietary or his Heirs their Magistrates or officers without consent of the Freemen or their Delegates shall affect the right or Interest of any Person or Persons of or in their Life Member Freehold Goods or Chattels which Clause is consonant to the great Charter to the Benefit whereof we hope we shall not be denied a right, however to avoid all Disputes on this Head we had with great pains and application prepared A Bill for settling those fees and made them considerably Higher than those of our neighbouring colonies yet we cannot obtain the Assent of his Lordships Council to the same without such conditions as would in our Apprehension prove destructive, to the People, for Reasons your Excellency cannot be a Stranger to viz: that of making it a perpetual law: and how Reasonable it is that the Gentlemen of that Board, who without any Warrant from the Royal Charter assume a Negative on the proceedings of the Delegates of this Province, and whose Seats at that Board are only at the Will of the Right Honourable the Lord Proprietary and who (with a single Exception only) are composed of such as hold the chief Offices and Posts of Profit in the Government during pleasure, the Exorbitancy of whose fees, illegally charged and the oppressive manner of extorting them from the People, was what was endeavoured by that Bill to be remedied, how far we say they ought to be Judges and have a negative in an affair wherein they are so deeply interested we leave to our Superiors and the world to judge, whilst we are upon this Article of fees we cannot omit mentioning to your Excellency another practice lately crept in amongst us, that of Buying and selling the Offices of the County Clerks and the very persons who receive the Profits of the Offices of Clerks & Registers Practising as Attorneys in the Courts to which these Offices belong that such Sales are unlawful is too obvious to be denied, and whether the same Person Acting in the different Capacities of Clerk and Attorney having the Custody of the Papers and Evidences of the Person against whom he is concerned and the entering up of the Judgment in the cause may not be Introductive of Corruption Injustice and Oppression we submit to your Excellency or any other Unprejudiced Person. The Exacting Alienation fines on Devises is we conceive a thing contrary to the Tenor and Conditions of our Grants, a Project Introduced to drain Money from the People within these three or four years last past from a forced construction of the Words of our pattents.

L. H. J. We are far from desiring to wrong his Lordship of what properly
 Lib. No. 45 belongs to him, but cannot help complaining of that prerogative
 and authority he has lately taken upon himself to Vacate his own
 Grants of land to the people of this Province on Account of Sur-
 plus or any other matter, as Invasive of our propertys, & a thing
 not to be done by any Subject

* The Naval Officers of this province we think are or ought to be
 Subject, to the laws of it yet notwithstanding the express clause in
 the paper currency Act that all contracts to be made from and after,
 the publication of that Act should be paid and satisfied in Bills of
 Credit, they to this time have Obliged Masters of all Ships or Ves-
 sels entering or Clearing with them to pay their fees in Gold or
 Silver. Strange! that the holding an Office (the fees and per-
 quisites whereof arise from the labour and Industry of a People)
 should set persons above the law and Invest them with A Power to
 oppress that People

The last thing we shall trouble your Excellency with in this Ad-
 dress is a Priviledge lately invented and claimed by the members
 of his Lordships council. It is well known that the greater number
 of the Gentlemen of that Board are possessed of Offices of the
 greatest profit and trust in the Province some being Treasurers,
 some Trustees of the Paper Currency and others Naval Officers; yet
 those Gentlemen being called upon to give an Account of the Coun-
 trys Money refuse to answer in Person alledging it below the dignity
 of their House as they term it to appear before the House of Dele-
 gates much less any Committee of it We think it the Countrys
 undoubted right to call all those who have the collecting keeping
 or disposing of the publick Money to Account for it nor can we
 foresee any other consequence from this Usurped dignity, than that
 the possessors of those Offices may with Impunity commit what
 frauds Extortions or Embezzlements they shall think fit by being
 adopted into his Lordships Council

These Sir amongst many others too numerous at this time to
 Recite are Grievances which the people whom we represent daily
 suffer, which call aloud for Redress and which we without a mani-
 fest Violation of the Trust reposed in us cannot forbear in the most
 humble manner to lay before your Excellency.

p. 885 We have taken the liberty to annex hereunto several Reports of
 Our Committee of Aggrievances concerning many of the Facts
 herein Complained of, and do flatter our selves that after mature
 Consideration we shall not fail of your Excellencys Assistance
 towards our Relief. was read Approved and Ordered to be ingrossed

To which aforegoing Address were annexed the following reports
 viz.

The Report of the Committee of Aggrievances dated in May 1739
 about 14 Tunnage

The Report about Power of Lord Baltimore to establish Officers fees by proclamation L. H. J.
Lib. No. 45

The Report about the Provincial Office dated May 28th 1739

The Report about Land Office Bonds May 30th 1739

The Report about M^{rs} Ann Cockshutts affair dated May 26th 1739

The Report about the Commissarys Office dated May 29th 1739

The Report about Selling Offices dated May 30th 1739

The Report about Alienation Money on Devises dated May 28th 1739

The Report about Vacating Grants dated May 31st 1739

The Report about Collectors and Naval Officers fees in Gold and Silver dated May 29th 1739

The Report about John Brannocks Complaint against Peter Taylor and John Mackiel dated 9th May 1739

The House Adjourned until to Morrow Morning at nine of the Clock

Wednesday Morning June 6, 1739

June 6

The House met according to Adjournment &c^a All present as yesterday except M^r William Thomas

The Committee appointed to prepare an Address to his Excellency on his Excellencys answer to the address of the House presented on Thursday, delivers the following Viz. To his Excellency Samuel Ogle Esq^r Governor of Maryland

May it please your Excellency.

The humble Address of the House of Delegates of the said province

We his Majestys dutiful liege Subjects the Delegates of the Free-men of Maryland in Assembly convened return your Excellency thanks for the Kind Intentions you are pleased in your Answer of yesterday to express yourself to have for the good of this province

The Subject matter of our late Address in relation to the duty of twelve Pence p hhd collected by his Lordship for his own use ever since 1733 without a Law to support the same has not been fully considered or debated by this House before this Session, tho objected to by many out of Doors, but we hope our Silence and meekness hitherto will not deprive us of the right of redress now application is made in order to obtain the same

We assure your Excellency we have no new light either in Politicks in Religion, the first being that which we Conceive the undoubted right of every British Freeborn Subject, that is to support our own and Constituents rights Libertys and Property the other

L. H. J. the light of the Holy Gospel manifested by the Blessed Author
 Lib. No. 45 thereof and as purely taught in the Church of England by law
 established

Whatever light the Act of 1704 may appear to your Excellency in we are still of Opinion it was never intended by the Legislators to grant the duty therein mentioned to the Lord Baltimore his Heirs or Assigns, and that he is not any way within the Letter or meaning thereof to that purpose as this must be set right by higher Authority we shall submit thereto not in the least doubting from our most Gracious Liege Lord and Sovereign an Impartial determination in this or any other Point on equal application and a fair and clear State and which We humbly think ought not to be interrupted; however it is attempted to be in our Case here whether from self Interest, or Sinister design may appear

We are very sorry to have any cause of contention with your Excellency for we faithfully assure you we desire to live quietly and peaceably as becoming dutiful and good Subjects, and hope it will not be attributed to us as a fault that we insist on our undoubted right and on Truth in doing which we shall avoid any Invective or Indirect means or Innuendoes

It clearly appears to this House as it did to their Committee and which they are ready to evince and to that purpose ordered their Clerk to attend that the Act made in 1692 Entituled An Act for settlement of an Annual Revenue upon their Majestys Governor within this province for the time being and recorded in Liber L L folio 21 &c^a was at A Session of Assembly held at the Port of Annapolis the 20th day of June 1699 continued as a law of this Province and as such is recorded among other Laws then past and continued in another Record Book L L folio 130 &c^a with some small Variation from the former and is likewise named in a Catalogue of the titles of laws which are continued in force by an Act passed at the
 p. 886 said Session of 1699 and recorded in the same Book and which Act of 1699 is acknowledged to be such by both Houses of Assembly in several Messages which passed at a Sesseion Anno 1723

We Omit saying more in reply to your Excellencys answer than that we assure you we have Considered this matter cooly and with impartial Deliberation as we shall every other that relates to the Welfare of our Constituents but we cannot think it safe to come into A Confirmatory or perpetual law which your Excellency seems to insist upon for support of his Lordships Government altho we are ready and willing to do any reasonable thing in Our Power to procure a good understanding between the Government and people We humbly hope that the Sacrificing the security of our property Right and Just Liberties will not be insisted on to gain that end, which was read approved and ordered to be Ingrossed

M^r William Ghiselin appointed Clerk Assistant to M^r Michael L. H. J.
Macnemara the Clerk, Ordered that he be qualified by taking the Lib. No. 45
Oaths to the Government and an Oath of Office

Mess^{rs} Denton and Harris sent to the Upper House to see the said
Ghiselin qualified who return and acquaint M^r Speaker and M^r
Ghiselin took the several Oaths to the Government required by law
signed the Oath of Abjuration repeated and signed the Test and
took the following oath.

You William Ghiselin do swear that as Clerk Assistant to the
Clerk of the Lower House of Assembly you shall true Entrys make
of all such matters and things as by the honourable Speaker for the
time being and that house shall be to you directed the secrets of the
said House you shall not divulge to the prejudice of the House or
any Member thereof but shall in all things as Clerk Assistant to the
clerk of the said House well and truly demean yourself according
to the best of your knowledge

So help you God

James Holliday Esq^r from the Upper House delivers M^r Speaker
the Bill Entituled An Act for the relief of Levin Hill Thomas Gough
Ezekiel Orrick, Samuel Deavor and Thomas Somes languishing
prisoners in Ann Arundel County Goal Sarah Butcher a languishing
prisoner in Dorchester County Goal William Bigges a languishing
Prisoner in Saint Marys County Goal, James Ranton, Peter Hyatt
languishing Prisoners in Prince Georges County Goal and Wil-
liam Gibson a languishing Prisoner in Queen Anns County Goal
Indorsed as followeth. (See pages 253 and 258.)

Which Bill was here read and passed for Ingrossing

The following message (See page 258.)

which being read is approved of and sent to the Upper House by
M^r Denton and Courts who return and say they delivered

The House adjourned until two of the Clock in the Afternoon

Post Meridiem The House met according to Adjournment &c^a
Major Sprigg appears in the House

The Address brought in yesterday being Ingrossed was read again
and carried to the Governor by M^r Speaker and the whole House.

M^r Speaker and the House returns M^r Speaker reassumes the
Chair.

M^r Henry from the Committee of Laws delivers M^r Speaker
the Ingrost Bill Entituled An Act for laying out the Town anew
commonly called Snow Hill Town Read and Assented to with the
paper Bill and sent to the Upper House by M^r Henry and Gale who
return and say they delivered it

L. H. J. On motion made leave Given to bring in the Bill to Continue An
 Lib. No. 45 Act Entituled An Act for raising a duty of three Pence p hh^d on
 all Tobacco exported out of this province for the uses therein
 mentioned

M^r Dulany from the Committee of laws delivers M^r Speaker
 the Bill Entituled An Act for Security of Orphans and creditors
 formerly committed for Amendments which being read again with
 the amendment the Question was put whether the Bill should pass
 or not resolved in the negative

The Address of this day being Ingrossed was read again and sent
 to the Governor by Major Sprigg and twelve more who return and
 say they delivered it

M^r Smith from the Committee of Elections and Priviledges
 delivers M^r Speaker the following Report

By the Committee of Elections and priviledges June 6, 1739

Your Committee having examined the Writt directed to the
 Sheriff of Cecil County and Inspected the Indenture of M^r Benj^a
 Pearce a member returned to serve this Assembly do find the said
 Benjamin Pearce duly elected which your Committee humbly sub-
 mit to the consideration of the House

Signed p Order Tho^s Jennings Cl Committee

Which being read the House concurs therewith

M^r Smith from the committee appointed to inspect the Arms and
 Ammunition &c. delivers M^r Speaker the following report

By the Committee for Inspecting the Arms and Ammunition and
 Accounts thereunto relating 6 June 1739

Your Committee having Examined and Inspected the several
 Treasurers Accounts of the three Pence p hh^d raised for purchas-
 ing Arms and Ammunition from the year 1732 do find the said
 Stock charged with the following Articles viz.

| | | |
|---|---|--------------------|
| In the Accounts of Samuel Young Esq ^r | { 21 st July 1733 paid his Excellency Samuel Ogle Esq ^r by order of Council } | £ Sterling |
| | | 200.. 0.. 0 |
| | { 24 th Sept. 1734 paid his Exc ^y Sam ^l Ogle Esq ^r pursuant to Act of As- sembly } | 238..15..10 |
| | | |
| In the Accounts of James Holliday Esq ^r | { Paid his Excellency the Governor pursuant to Act of Assembly for Arms } | 91..11.. 0 |
| | | |
| Total | | <hr/> £530.. 7.. 6 |

Your Committee likewise find that there is due to the Country for the three Pence p^h as aforesaid as appears by the several Treasurers Accounts the sums following viz.

L. H. J.
Lib. No. 45
p. 888

| | |
|---|---------------------------|
| March 24, 1735 In the Hands of M ^r Samuel Hyde as appears by Accounts of Samuel Young late Treasurer of the Western Shore | 1099..13..8 $\frac{1}{4}$ |
| In the Hands of said Treasurer as p Account made up by his Executors £34..13..7 $\frac{3}{4}$ | 0..18..3 |
| In the Hands of James Holliday Treasurer of the Eastern Shore as p his Account dated May 1739 | 334..14..— |
| In the Hands of Charles Hammond Esq ^r Treas- urer of the Western Shore Transmitted to M ^r Samuel Hyde as p his Account rendred this Assembly | 657.. 6..6 $\frac{3}{4}$ |
| | <hr/> |
| £34..13..7 $\frac{3}{4}$ | £2092..12..6 |

We likewise find the following Account

1734/5 D^r Arms for Horse and Ammunition for the Province of Maryland

| | |
|--|--------------|
| Feb ^y 11. To 20 half Barrels of Gunpowder Ship'd in the Balt. Walter Hoxton | £34..—..— |
| 1734 April 11. To 20 half Barrels Ship'd in the Herietta, Jernegan Biggs Master | 34—..—.. |
| 1735/6 March To 40 half Barrels of Powder Ship'd in the Baltimore Daniel Watts, Master | 75..14..— |
| Nov. 29. To 50 Carbines with Bayonetts and Slings and 50 cartouch Boxes and Charges thereon shipt as above | 96..14.. 4 |
| 1737/8 March To Arms &c ^a sent p Biggs } | 130..19..10 |
| | £371.. 8.. 2 |
| To Ballance remaining due to purchase Horse Arms and Ammunition } | 157.. 6..10 |
| | £529.. 6..10 |

1733/4 C^r

| | |
|--|--------------|
| January 28. By Col ^o Youngs order to Samuel Ogle Esq ^r | £200.. 6..10 |
| 1735/6 Feb. 26. By D ^o D ^o to 238..15..10 Deducted charges re- ceiving Bills 1.. 0.. 8 | 237..15.. 2 |
| 1736 May 13. By James Hollidays order to Ditto | 91..11.. 8 |
| | <hr/> |
| | £529.. 6..10 |

L. H. J.
Lib. No. 45

Errors Excepted London 30th December 1738

Sam Hyde

A True Copy

Signed p Order J Ross Cl Council

All which your Committee humbly Submit to the House

Signed p Order. Tho^s Jennings Clk Committee

Your Committee having Viewed and Inspected the Quality and Quantity of the Arms and Ammunition of this Province now in the City of Annapolis do find the same as follows viz.

In the Powder House

Fifty two half Barrels and four Quarter Barrels of Gun Powder
In the Room over the Conference Chamber

Thirty nine Short Muskets Nine old Carabines Fifty pair new
Pistols Fifty new Swords and fifty new Belts

In the Stadt House

Six Barrels supposed to be lead or Shot

We find the Arms aforesaid are all clean and that the Old Arms Ammunition and Accoutrements in the said Room are in Quality and Quantity as last year, That the Arms in the Council Chamber likewise remain fixt as they were and are Generally clean and in good order

Signed p Order Thomas Jennings Clk Committee

Which Were read and Ordered to lie on the Table

Ordered that the same Gentlemen with the Addition of Mr Denton who were appointed to draw an Address to the Governor prepare an Address to the Lord Proprietary setting forth the several Aggrievances Represented to this House by the Committee of Aggrievances this Session for his Lordships Redress thereof

The House Adjourned until to Morrow Morning at nine of the Clock

June 7 Thursday June 7th 1739 The House met and present as yesterday.
Yesterdays proceedings read

The following message (See page 260.)

p. 889 Sent to the Upper House by Col^o King and Mr Wootton who return and say they delivered it

Mr George from the Committee of laws delivers Mr Speaker the Bill Entituled An Act for raising a duty of three Pence p hhd on all Tobacco exported out of this province for the uses therein mentioned which being read the first time was Ordered to lie on the Table

The House Adjourned until two a Clock in the afternoon

Post Meridiem. The House met according to Adjournment

L. H. J.
Lib. No. 45

Ordered that the Journal of the Committee of Accounts be closed on the eighth Instant

Philip Lee Esq^r from the Upper House delivers M^r Speaker A Bill Entituled An Act Concerning the building a dwelling House out Houses and other Conveniences for a Governor with the following Indorsement. (See pages 260 and 261.)

which Bill was read here the first time and Ordered to lye on the Table.

The Ingrossed Bill for Relief of Levin Hill Thomas Gough Ezekiel Orrick Samuel Deaver Thomas Somes languishing Prisoners in Ann Arundel County Goal Sarah Butcher a languishing Prisoner in Dorchester County Goal William Bigges a languishing Prisoner in Saint Marys County Goal James Ranton Peter Hiatt languishing Prisoners in Prince Georges County Goal read Assented to and sent to the Upper House with the Paper Bill by M^r Wootton and M^r Hall who return and say they delivered it

The House Adjourn'd until to morrow Morning at 9 of the Clock.

Friday June the 8th 1739. The House met and present as yesterday. Yesterdays proceedings read &c^a June 8

It being moved by a member that in the Act proposed by this House to the Upper House this Session Entituled An Act for raising An Annual Revenue for the better support of his Lordships Government and Governor within this Province It is there incerted by mistake of the Transcribing Clerk that from the 29th September 1732 down to this sum of twelve pence sterling for every hhd of Tobacco Exported out of this province had been Collected and Levied from the Inhabitants &c. upon Inspection whereof it is found that the inserting the Year 1732 is a mistake and ought to have been 1733

Col^o King and M^r Walter Smith Added to the Committee for drawing the address to the Proprietary

Col^o King from the Committee of Accounts delivers M^r Speaker the following Report viz.

By the Committee of Accounts June the 7th 1739

On Inspecting the Account Currant remitted the 4th March 1737 by Mess^{rs} Samuel Hyde and William Hunt two of the Trustees for collecting and managing the 15^d p Hogshead for sinking the Paper Currency Your Committee find that there has been laid out by said Trustees £5790..15 to purchase sundry Capital Stocks in the Bank of England amounting to £4000..0.0 and that there remains a Ballance unapplied in the said Trustees hands of £563..19..3

L. H. J. Your Committee further find by the several Naval Officers Accounts laid before your Committee this Session on comparing such parts of them as related to the 15^d p hhd with the said Trustees Accounts an Omission of Credit for the following Bills remitted them viz.

| | |
|--|----------|
| James Billings on Richard Gildart November 1735 by Levin Gale Esq ^r | 20..0..0 |
| Edmond Hough on James Wilson May 1737 by ditto | 5..0..0 |
| George Gibson on Thomas Lutridge May 1737 by Philip Lee Esq | 4..0..4 |

As also sundry other Bills remitted since the year 1737 which we Conceive were not Come to hand at the making up of the aforesaid Account all which is submitted by your Committee to the Consideration of the House

Signed p Order Com. Rich^d Dorsey Clk.

M^r Tasker from the Upper House delivers M^r Speaker the following message (See page 261.)

p. 892 The Governors answer to the General Address about Aggrievances communicated to this House was read and is as follows

Gentlemen of the Lower House of Assembly

I have considered your Address delivered to me by M^r Speaker on the 6th Instant and assure you that I am and always shall be sincerely desirous of the welfare of the Province, and ready at all times to give a helping hand to the Removal of every Obstacle to its happiness and Prosperity and particularly of such Grievances represented by the Lower House of Assembly as shall upon a due Consideration appear to me to be real & not imaginary ones.

But then you must allow that whatever are his Lordships Legal and Just Rights can be no way affected by any Resolution or Representation of your House but must remain in the same state as if you had never taken the same under your Consideration.

Of this nature is the first Grievance set forth in your present Address relating to the 14^d p Ton which his Lordship receives for every Vessel not properly belonging to this province which I must be so candid as to say his Lordship has in my Opinion as good a right to as any Gentleman in your House or in the province can have to his own Estate

That no man may find he has a worse Title to what he at present Possesses is a wish that I believe very many will Join with me very sincerely in the Law of 1661 which you mention having not only stood an Attack from the Lower House of Assembly but from the whole Legislative Body of this Province which passed An Act to repeal it and take the said 14^d p Ton from his Lordships Noble

Ancestors which Act was dissented to by the Crown for the manifest L. H. J.
Unjustness & unreasonableness of it Lib. No. 45

As I am inclined to Believe you are not acquainted with all that passed at home relating to this Affair I shall here Insert for your satisfaction the Report of the Sollicitor or Attorney General and the Kings order of Council thereupon

At a Court at Whitehall the 23^d of February 1692

Present

The Kings Most Excellent Majesty

| | |
|--------------------------------|-------------------------------------|
| Lord Arch Bishop of Canterbury | Lord Chamberlain |
| Lord President | Earl of Bedford |
| Lord Great Chamberlain | Earl of Bridgewater &c ^a |

As to the second demand of fourteen Pence p Ton for all Tobacco exported out of that Province I find by an Act of Assembly of that province in 1661 it was enacted that all Vessels whatsoever not properly belonging to that Province having a Deck Flush Fore and Aft coming in and trading within that province should pay for Port duties and Anchorage A Pound of Powder and three Pound of Shott or so much in Value for every Tun of Burthen to the said proprietor and his heirs which duty hath by Usage been turned into Money viz. 14^d p Ton and so answered to the Lord Baltimore and constantly applied to his own use and not to the support of the Government as the Lord Baltimore affirms to me and by Order of Council of the 26th of February 1690 this duty of 14^d p Ton was directed to be answered to the Lord Baltimore as Proprietor of the Province and likewise Instructions given Col^o Copley Governor of Maryland to Permit the Lord Baltimore or his Agents to receive the same without any disturbance or Interruption and I conceive that upon the Words of the Act this duty doth belong to my Lord Baltimore as proprietor to be received by him to his own use and it would be a thing of Dangerous consequence to Admit of Parole Proof of an Intention in the law makers different from the Words of the Law to say that the duty which the Act calls a Port Duty was intended p. 893 to be a Fort Duty and it seems to be admitted by the Assembly that this duty of fourteen Pence p Ton doth by Law now belong to the Lord Baltimore by desiring their Majestys Royal Assent to An Act to invest it in their Majestys &c^a

Tho: Trevor November 2^d 1692

His Majesty was pleased to approve of the said Report and did order as it is hereby Ordered that the Act lately passed in Maryland for the fourteen Pence Tunnage be and it is hereby set aside and disallowed and that the Lord Baltimore be permitted without any Disturbance or Interruption to collect and receive by such Person or Persons as he shall thereunto Authorize and Appoint the said duty

L. H. J. of fourteen Pence p Ton for Port Duties or anchorage for his own
 Lib. No. 45 use of Right belonging to him by law as Lord Proprietor of the said
 province and as well Col^o Copley their Majestys present Governor
 as the Lord Baltimore and all others whom it may concern are to take
 notice of his Majestys pleasure hereby signified and to comply with
 the several particulars of the said Report.

John Nicholas

After this Solemn confirmation of his Lordships Right it would be wonderfully strange to find it taken away by an Act in 1704 and that quite unknown to the makers of the said Act to those who paid the said Tonnage or to the Proprietor himself who not only received it that very year but every year since to this present time to set this affair in a Proper Light to all Impartial men I apprehend I need only Transcribe the excepting Clause in the said Act of 1704 viz. saving always to every Person or Persons whatsoever was and is his or their Rights & Benefits which he or they had by the former Acts of Assembly any thing in this present Act contained to the contrary notwithstanding

The Sence of the Legislature was again declared in the year 1733 when his Lordships Tonnage was Excepted out of the Paper Money Act and left to be paid in Sterling as formerly

As to what you say upon this Article and have said upon so many other occasions of this Government having no right to levy any money without law it seems to me to be quite out of the Question as this Government pretends to no such thing but the Right the People of this province have of not being Subject to any Payments whether they be Taxes Duties Imposts Fees or under any other denomination whatsoever but what shall be raised settled and appointed by laws, to which by themselves or their Substitutes they give their Assent is a matter not so far beyond all Contradiction as you conceive which you must allow when you Consider that at this present time we pay a duty of one Penny p Pound upon all Tobacco exported out of this province to any of his Majestys Plantations in America towards the maintainance of the Colledge in Virginia a duty upon Foreign Rum Sugar and Molasses imported into this province six pence p month out of Sailors Wages for Greenwich Hospital & Postage for Letters carried by the Publick Post all which Duties and Imposts are laid on by the parliament of Great Britain without having or requiring the assent of the People of this province to the same besides the many fees levied & paid in the several colonies of America and the West Indies by the sole Prerogatives of the Crown and Authority derived from thence without Acts of Assembly passed for that purpose.

The next thing you mention is the method made use of by some Officers to get in their fees whatever is done illegally in this Respect is certainly A Real Grievance which ought to be redressed and I am

sure I shall never Interpose in such a Case but leave such Officers to the law which I hope is sufficient to punish them when they transgress it. L. H. J.
Lib. No. 45

I shall always be ready to give my Assistance to settle the fees upon such a foundation as may put a final End to all disputes upon this Head but how this can be done by a Temporary law for three years I must confess I cannot conceive nor how a Perpetual law to this purpose could prove destructive to the People which on the Contrary seems to be a very desirable thing for their quiet and Happiness as it would put a final end to all Sorts of Oppression and Extortion which they now so much Complain of and which may in a great measure be occasioned by proper Penalties not being laid upon Officers for offending in this Respect.

As to what you mention of the Upper House having A Negative on all Bills that are to pass into laws I hope this is not one of the Grievances that you desire my Assistance to Remove which I must freely own I cannot promise you nor do I believe you will have the Assistance of any succeeding Governor to alter in so great a degree the whole Frame of Our Constitution

As to Buying and selling the Offices of the County Clerks and the very persons who receive the Profits of the Offices aforesaid practising as Attorneys in the courts to which those Offices belong these are Points of Law which must be left to the decision of the Courts of Justice and which the Governor has no Power to determine by his own Authority

The Proprietors Agent requiring Alienation fines on Devises is a point of private Property upon which nothing has as yet come before me if it should as Chancellor I shall endeavour in this as in all other Cases to give a Decree according to Justice and equity to the best of my Judgment and Understanding from the Court of Chancery there is an Appeal to the Court of Appeals and from thence to his Majesty in Council which must always be a sufficient Remedy against all Sorts of Injustice that can be done under the colour of law. What is said here will be likewise a Sufficient Answer to what you Object to his Lordships Vacating his Patents only I must take notice of two mistakes you Commit on this Subject the first that the Proprietor does this by his Prerogative and authority whereas it can only be done agreeable to the Rules of Equity observed in a Court of Chancery and the second that this is a practice which he has but lately taken upon himself whereas that practice will be found in the Earliest Proceedings of this province

I cannot but be very much surprized to find that you should mention to me as a Grievance that the Naval Officers take Gold and Silver for their fees from all Masters of Vessels Enttring or Clearing with them you cannot but be sensible since It has been so often mentioned that it was the Lower House of Assembly alone that prevented

L. H. J. our paper Money passing in Payment of the 40^l 7^s Poll and officers
 Lib. No. 45 fees and according to the Bill for Our Paper Currency as it now
 stands the Naval Officers insist upon it that their fees are due in Gold
 or Silver how then can I be in any manner Concerned in the Deter-
 mination of this point which can be only legally determined by
 Course of Law

As to any disputes betwixt the Upper House of Assembly and
 your House relating to your Respective Rights & Priviledges I
 shall not take upon myself to determine them nor am I well satisfied
 that you would be willing that I should do so however this I think
 I may promise you that whoever is intrusted with any of the pub-
 lick money shall upon the Application of your House be Ordered to
 lay their Accounts before you which I hope will deprive them of an
 opportunity of committing with Impunity either Frauds Extortions
 or Embezzlements altho the Upper House should not think it proper
 to allow their members to wait upon you in Person as often as you
 shall please to send for them

Sam Ogle

On reading by especial order the Paper Bill Entituled An Act
 to continue An Act Entituled An Act for raising a duty of three
 Pence 7^d on all Tobacco exported out of this Province for the
 Uses therein mentioned the Question was put whether the Bill
 should pass or not Resolved in the Negative

For the Affirmative

| | | |
|--------------------------|-----------------------|-----------------------|
| M ^r Middleton | M ^r Trippe | M ^r Gordon |
| Col ^o Hanson | M ^r Harris | |
| M ^r Henry | M ^r Dulany | |

For the Negative

| | | |
|---------------------------|-----------------------------|--------------------------|
| M ^r Waughop | M ^r Swann | M ^r Read |
| M ^r Moale | M ^r Caswell | M ^r Mathews |
| M ^r Weems | M ^r George | M ^r Courts |
| M ^r Os: Sprigg | M ^r Smallwood | M ^r Wilson |
| M ^r Brannock | M ^r Carroll | Major Sprigg |
| M ^r Hall | M ^r Clayton | M ^r Colvill |
| M ^r Calder | M ^r Stoughton | M ^r King |
| M ^r Wright | M ^r Gassaway | M ^r Denton |
| M ^r Rumsey | M ^r Wilkinson | M ^r Pemberton |
| M ^r Smith | M ^r Pearce | M ^r Sheredine |
| M ^r Wootton | M ^r Goldsborough | |
| M ^r Ennals | M ^r Rob: Lloyd | |

The House Adjourned until two a Clock in the afternoon

Post Merediem The House met according to Adjournment

L. H. J.
Lib. No. 45

The Bill Entituled An Act concerning the Building a dwelling House out Houses and other Conveniences for a Governor read the second time by especial Order and passed and sent to the Upper House by M^r Moale and Captain Gassaway. Col^o Gale from the Upper House delivers M^r Speaker the following message (See page 270.)

The Committee of Accounts deliver M^r Speaker their Journal p. 895 which was read and passed.

The House Adjourns until to Morrow Morning 8 of the Clock

Saturday June the 9th 1739. The House met according to Adjournment June 9

All Present as yesterday. Yesterdays proceedings Read.

Major Sprigg from the Committee appointed to inspect how the funds for the several County Schools have been applied delivers M^r Speaker the following Report viz.

By the Committee appointed to inspect how the funds for the several County Schools have been Applied June the 9th 1739

Your Committee have caused a diligent search to be made for the several Treasurers Accounts of the Eastern and Western Shore from the year 1723 down to this time and cannot find James Holliday Esq^r Treasurer of the Eastern Shore his Account for the year 1731 but believe it to be mislaid and forasmuch as the Accounts Col^o Samuel Young late Treasurer of the Western Shore are so complicated viz. the Sterling with the Current Duties and the different Exchanges currency for Sterling that it will take a great deal of time and deliberation more than can be conveniently spared in Assembly time to state the several Sums Annually Raised for the Uses aforesaid and proportioning the same to the several Countys in which your committee have proceeded so far as the nature of the Affair will at present Admit of. All which is Submitted by your Committee to the Consideration of the House

Signed p order Rich^d Dorsey Cl

which was read &c^a

M^r Moale from the committee appointed to inspect the Office and proceedings of the Commissioners for Emitting the Paper money delivers M^r Speaker the following Report. (See page 266.)

Which was read and referred to the consideration of the next p. 897 Session this Session being near a Conclusion and they having not time to consider the same

The Journal of Accounts sent to the Upper House by M^r Young and M^r Sheredine

L. H. J. Col^o Gale from the Upper House delivers M^r Speaker the following
 Lib. No. 45 ing paper Bills viz. A Bill repealing An Act Entituled An Act for the speedy and effectual publication of the laws of this province and for the Encouragement of William Parks of the city of Annapolis printer as also one other Act Entituled An Act reviving An Act of Assembly Intituled An Act for the speedy and effectual publication of the Laws of this province and for Encouragement of William Parks of the city of Annapolis printer as also one other Act Entituled A Supplementary Act to the Act Entituled An Act for the speedy and more effectual publication of the laws of this province and for the Encouragement of William Parks of the City of Annapolis printer

A Bill for the more speedy and effectual publication of the laws of this province and for the Encouragement of Jonas Green of the City of Annapolis printer.

A Bill to continue An Act of Assembly of this province Entituled An Act for the better relief of poor Debtors A Bill reviving and Continuing An Act of Assembly of this province Entituled An Act for the speedy Recovery of small debts out of Court before a single Justice of the peace which Bills were severally thus Indorsed viz.

By the Upper House of Assembly 8th June 1739

The Engrossed Bill whereof this is the Original is read & Assented to.

Signed p order J Ross Cl. Up Ho.

James Holliday Esq^r from the Upper House delivers M^r Speaker the following Bills viz.

A Bill to cut of and Bar the Intail of part of a certain Tract of land called Williams Range in Prince Georges County and to settle other lands in lieu thereof A Bill for Reviving An Act Entituled An Act to prevent the Injuring Harbours within this Province

A Bill for Reviving the Acts for relieving the Inhabitants from some Aggrievances in the prosecution of Suits at law

A Bill for laying out and Applying a Sum not exceeding two hundred pounds Current money to the uses therein mentioned.

A Bill to vest an Estate of fee simple of and in a tract of Land called Ropers Neck in Benj^a Howard and for settling other lands in lieu thereof

p. 898 A Bill to Continue An Act of Assembly of this Province Entituled A Supplementary Act to the Act Entituled An Act for Emitting and making current ninety Thousand pounds current money of Maryland In Bills of Credit and to Restrain some Evil practices of Sheriffs under Colour of the said Act Committed

A Bill for Cutting of An Entail and vesting an Estate of Inheritance in fee simple of and in part of A Tract of Land called coopers

purchase in Thomas Spalding and Catherine his Wife and to Intail other Lands lying in St. Mary's County in Lieu thereof. L. H. J.
Lib. No. 45

A Bill for Continuing An Act of Assembly of this Province Entituled An Act to prevent cutting up Tobacco Plants Destroying Tobacco and Tobacco plants and for ascertaining the punishment of Criminals guilty of the said Offences. A Bill Empowering the Reverend John Lang Rector of St James's Parish and his Successors to Lease lands A Bill for Reviving the Acts for Advancement of Justice A Bill Empowering the Justices of Prince Georges County to levy on the Taxable Inhabitants of Queen Anns Parish in the said County the sum of one hundred pounds current money of Maryland for the uses therein mentioned

A Bill for Reviving An Act Entituled An Act for naturalization

A Bill Entituled An Act for Encouragement of Abraham Wood of Saint Marys County

A Bill Reviving the Supplementary Act to the Act laying an Imposition on Negroes and Sundry Sorts of Liquors Imported and on Irish Servants to prevent the Importing too great a number of Irish Papists into this Province

A Bill for the relief of Levin Hill, Thomas Gough, Ezekiel Orrick, Samuel Deavor and Thomas Somes languishing Prisoners in Ann Arundell County Goal, Sarah Butcher, a languishing Prisoner in Dorchester County Goal, William Biggs a languishing Prisoner in Saint Marys County Goal, James Ranton, Peter Hyatt languishing Prisoners in Prince Georges County Goal and William Gibson a languishing prisoner in Queen Anns County Goal

A Bill for the Benefit of the Poor and Encouragement of Industry

A Bill for Continuing An Act of Assembly of this province Entituled An Act Ascertaining the Gauge and Tare of Tobacco Hogsheads and to prevent cutting cropping and defacing Tobacco taken on Board Ships or Vessels upon Freight all which paper Bills were severally thus endorsed

By the Upper House of Assembly 9th June 1739

The Engrossed Bill whereof this is the Originall is read and Assented to

Signed p Order J Ross Cl Up Ho.

The Engrossed Bill Impowering the Justices of Calvert County to repair the court House of that County by an Assessment on the Inhabitants thereof was read and passed and sent to the Upper House with the Paper Bill by Mess^{rs} Weems and Hall who return and say they delivered it

Edmund Jenings Esq^r from the Upper House delivers to M^r Speaker the Ingrossed Bill Entituled An Act concerning the Build-

L. H. J. ing a dwelling House out Houses and other Conveniences for a
 Lib. No. 45 Governor which was read and assented to and the Paper Bill sent
 back to the Upper House by M^r Moale and M^r Pearce.

M^r Speaker communicates to this House the Governors Answer
 to the last Address of this House to him which is as follo^s

Gentlemen of the Lower House of Assembly

I have Considered your address delivered to me on the 6th Instant
 by M^r Sprigg and am obliged to you for the Satisfaction you profess
 yourselves to have in my Expressing my kind Intentions for the good
 of the province and you may be assured of my sincerity therein, and
 that I shall at all times use my utmost Endeavours to promote the
 publick Interest, whatever disputes we may have upon some Points,
 which I shall never Insist on farther than I think my present station
 Absolutely requires of me

All that I wish is, that the Respective Rights and priviledges of
 the Proprietor and People may be fairly Clearly and fully settled
 upon such a Foundation as may leave no Room for further Heats
 and Animosities, but that We may all Jointly turn our thoughts, to
 the improving the many Advantages We have by Nature above
 many other of his Majestys Colonies in America

In the meantime I shall never differ in Opinion from the Lower
 House of Assembly, without being ready to give my Reasons for
 my so doing and I cannot but express my Satisfaction to find that
 my Answer, to your Address concerning the 12^d p hhd for support
 of Government, has appeared so reasonable to your House that, you
 hardly seem to Endeavour to invalidate anything that I advanced
 in it, as may be easily seen by any one, who will Carefully Read my
 said Answer and your Address in answer to it, which is now the
 Subject of my consideration

You had in the beginning of that Address about the 12^d p hhd
 expressed a Sort of total Ignorance of the Law of 1704 by which
 the Naval Officers collected the said twelve pence, to which I
 answered That the said Law was not only under the Consideration
 of the Lower House of Assembly in the year 1733, but has been
 greatly canvassed in Conversation by the members of every As-
 sembly that has met since that Time, and that it has been universally
 looked upon by every part of the legislature, since that Time as a
 law in force and being till lately &^{ca}

p. 899 Your answer to this is That the Subject matter of your late Ad-
 dress in relation to the duty of twelve Pence p hhd. &c has not been
 fully considered or debated by your House before this Session
 though objected to by many out of doors, but you hope your silence
 and meekness hitherto will not deprive you of the right of address,
 now Application is made in Order to obtain the same. This is Con-
 trary to nothing that I advanced, but that it seems to insinuate that

the forbearance of Assembly since the year 1733 to fall upon this law, does not proceed from a Belief of its being in Force, as I had Observed, but only from the silence and Meekness of the said Assembly, which of us is in the Right in this must be left to the publick to Judge.

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Lib. No. 45

As to the next Point, I assure you that I am very far from charging or even suspecting your House or any Gentlemen in it to have new light in Religion, and I hope my Words can imply no such thing, but as to Politicks which you say, you conceive the Undoubted Birth Right of every British Freeborn Subject, you have certainly Advanced many things which you your selves must allow to be altogether new, however just and Reasonable you may think them to be

To what you say of submitting the affair of the twelve pence p^p hh^d to our most Gracious Sovereign from whom we may expect an Impartial Determination, in this or any other Point on an equal Application, and a fair and clear State of the case I readily Agree: But the great difference betwixt us is, that you think the Report of your Committee is a true State of the Case, and I think I have shewn to A Demonstration, in my Answer to it, that it is so far from being so; that the very Contrary to what is there set forth is the real Truth.

Whoever will be at the pains to read the same Report will find that a point greatly Laboured and for which many Acts of Assembly are Recited is that laws given to the crown for the support of Government for the time being have not been looked upon by the legislators that enacted them as perpetual, but only to have a duration with such Governor or Government

To this purpose the Report sets forth "That when their late Majestys King William and Queen Mary of Glorious Immortal and pious memory assumed the Government of this province, and took the same under their protection An Act passed in the year 1692 Entituled An Act for the settlement of An Annual Revenue upon their Majestys Governor within this province for the time being, which Act it is Argued was not deemed by the Legislators to be perpetual for that it was continued by another Act passed in the year 1699 which Act of 1699 continued until the year 1704 when Another Act passed Entituled An Act for settlement of an Annual Revenue upon her Majestys Governor within this province for the time being

In answer to this I set forth that the said Act of 1692 appeared to a Demonstration to have been looked upon as a perpetual law, that it continued in force without any Reenacting till the year 1704 when a Repealing Law that then passed might make the Government think it necessary to have the said Act of 1692 reenacted or another perpetual Law made to the same purpose which was done accordingly and the Law made by which the Government is at present supported.

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I further set forth, that I could not find the law of 1699 that continued the Law of 1692 nor could your Committee that made the Report point out to me such a one but found on the Contrary two Repealing Acts, Out of both which the Law of 1692 was excepted, which made it plain that it was looked upon as a Perpetual law, & that it continued accordingly without any new force being added to it by any Act passed in 1699 till the year 1704 as above mentioned.

Now let us see what you say in answer to this it hereby Appears to this house as it did to their Committee and which they were ready to Evince and to which purpose ordered their Clerk to attend that the Act made in 1692 Entituled An Act for Settlement of An Annual Revenue upon their Majestys Governor within this province for the time being and Recorded in Liber L. L. Folio 21 &^{ca} was at a Session of Assembly held at the port of Annapolis the 28th day of June 1699 continued as a law of this province and as such is recorded among other Laws then past and continued in another Record Book L. L. folio 30 &c with some small Variation from the former and is likewise named in a Catalogue of the Titles of laws which are Continued in force by An Act passed at the said Session of 1699 and recorded in the same Book and which Act of 1699 is acknowledged to be such by both Houses of Assembly in several Messages which passed At a Session Anno 1723

Now I must say that however you may Endeavour by this Paragraph to Palliate or Conceal such a fundamental Error in the Report as destroys the whole Frame of Reasoning in it it certainly neither denys nor contradicts what I advanced in the paragraph above Recited

I know very well that the Act of 1692 was at A Session of Assembly held at Annapolis the 28th day of June 1699 continued as a law of this Province but I affirm that it was no other way continued but by not being repealed and I now desire your House to shew me the law of 1699 that Continued it and which law of 1699 you say Continued till the year 1704 if your House knows of such a law it is certainly using the Government very unkindly not to point it out and if you have found that there is no such law it is but doing Justice to the Government to own it the Committee did indeed order their Clerk to attend but I believe he will not say he told me where to find the said law of 1699 now in Question if he had I should not have applied to your Committee and now at last have been obliged to your House for Information

I Return you thanks for what you say of your readiness to do any Reasonable thing In your power to procure a good understanding between the Government and people and I can in return truly Assure you that this is all I desire of you and that I shall never

insist on any thing that can Endanger the Security of your Property Rights and Just Liberties

L. H. J.
Lib. No. 45

Sam Ogle

The House adjourned for an Hour

Post Meridiem: The House met according to Adjournment

An Address to his Lordship being brought in and read the Question was put whether the same be approved of nor Resolved in the Affirmative And that the Speaker sign the same p order on behalf of the House of Delegates

For the Affirmative

| | | |
|--------------------------|-----------------------------|---------------------------------------|
| M ^r Waughop | M ^r Harris | Capt. Gassaway |
| M ^r Wilson | M ^r Weems | M ^r Hall |
| Doctor Carrol | M ^r Middleton | Col ^o Hanson |
| M ^r Smith | Col ^o King | M ^r Henry |
| M ^r Courts | M ^r Goldsborough | M ^r Rob ^t Lloyd |
| M ^r Smallwood | Captain Ennals | M ^r Brannock |
| M ^r Gale | Col ^o Colvill | M ^r Rumsey |
| Captain Trippe | M ^r Sheredine | M ^r Moale |
| M ^r George | Major Sprigg | M ^r Mathews |
| M ^r Pearce | Captain Wright | M ^r Wootton |
| Captain Caswell | M ^r Swann | M ^r Pemberton |
| M ^r Sprigg | M ^r Calder | |
| M ^r Read | M ^r Denton | |

For the negative

| | | |
|--------------------------|-----------------------|----------------|
| M ^r Stoughton | M ^r Dulany | Captain Gordon |
|--------------------------|-----------------------|----------------|

An Address to his Majesty being brought in and read the Question was put whether the same be approved of or not. Resolved in the Affirmative and that the Speaker sign the same p order on behalf of the House of Delegates

For the affirmative

| | | |
|--------------------------|--------------------------|-----------------------------|
| M ^r Waughop | M ^r Swann | M ^r Sprigg |
| M ^r Denton | M ^r Smith | M ^r Henry |
| M ^r Middleton | Col ^o King | Col ^o Colvil |
| Capt. Trippe | M ^r Brannock | Major Sprigg |
| M ^r Sheredine | M ^r Mathews | M ^r Courts |
| Capt. Wright | M ^r Wilson | M ^r Goldsborough |
| M ^r Read | M ^r Weems | M ^r Rumsey |
| Capt. Gassaway | M ^r Stoughton | D ^r Carrol |
| M ^r Smallwood | M ^r George | M ^r Pearce |
| Capt. Ennals | Capt. Caswell | M ^r Wootton |
| M ^r Moale | M ^r Calder | |
| M ^r Pemberton | M ^r Hall | |

L. H. J.
Lib. No. 45

| | | |
|-------------------------|-----------------------------|-----------------------|
| | For the negative | |
| M ^r Harris | M ^r Gale | M ^r Dulany |
| Col ^o Hanson | M ^r Robert Lloyd | Captain Gordon |

George Plater Esq^r from the Upper House delivers M^r Speaker the following paper Bills viz.

A Bill Impowering the Justices of Calvert County to repair the Court House of that County by an Assessment on the Inhabitants thereof. A Bill for laying out the town anew commonly called Snow Hill Town in Somerset County which were severally thus Indorsed By the Upper House of Assembly 9th June 1739. The Ingrossed Bill whereof this is the Originall is read and assented to

Signed p Order J^r Ross Cl^k Up Ho.

the following message (See page 272.)

Upon reading which the Question was put whether the same should be sent to the Upper House or not

Resolved in the Affirmative and accordingly sent to the Upper House by M^r Moale and M^r Hall.

For the Affirmative

| | | |
|-----------------------------|-----------------------------|--------------------------|
| M ^r Swann | M ^r Robert Lloyd | M ^r Pearce |
| M ^r Hall | Captain Gassaway | M ^r Sheredine |
| M ^r Smallwood | M ^r Smith | M ^r Moale |
| M ^r Wilson | M ^r Weemes | M ^r Matthews |
| Col ^o King | Captain Trippe | Captain Caswell |
| M ^r Calder | Cap ^t Ennals | Major Sprigg |
| M ^r Stoughton | M ^r Brannock | M ^r Wootton |
| Doctor Carroll | M ^r George | M ^r Pemberton |
| M ^r Goldsborough | M ^r Colvill | M ^r Sprigg |
| M ^r Denton | M ^r Rumsey | |

For the negative

| | | |
|--------------------------|-------------------------|-----------------------|
| M ^r Harris | Col ^o Hanson | Captain Gordon |
| M ^r Courts | M ^r Henry | M ^r Dulany |
| M ^r Middleton | M ^r Gale | |

Several Resolves and Orders Read and Approved of and ordered to be Entered as Resolves and Orders of this House which are accordingly done and follow in these Words

Resolved that the levying and collecting twelve pence Sterling p hhd of Tobacco exported out of this Province by the right Honourable the Lord Proprietary or his Officers for his use ever since the year 1733 is not warranted by any law of this Province

Resolved that the Levying and collecting fourteen pence Sterling p Ton on Shipping trading into this province and not properly belonging thereto is Arbitrary and without law to support it L. H. J.
Lib. No. 45

Resolved that the taking of Judgment Bonds for fees before they become due and refusing peoples Business to be done in the Offices until such Bonds are given and also the taking such Bonds in penalties within the Jurisdiction of the Provincial and County Courts where such penalties being only double of the principal Sums would be recoverable before a single Magistrate is Oppressive and Extorsive

Resolved that Officers fees can only be settled and Ascertained by law and that the settling or ascertaining of them by the Proprietary his Governor or Council by way of proclamation or Ordinance is contrary to the Royal Charter against the rights and privileges of the Subject and Arbitrary and Illegal

Resolved that the buying and selling of the offices of County Clerks is against law and tends greatly to the Ruin and Oppression of the people of this province

Resolved that the persons who hold the Offices of Clerks or Registers or receive the fees of these offices practising as attorneys in the courts to which these Offices belong is against law of the most dangerous consequence and Introductive of many Evils and Inconveniences to the suitors in such courts

Resolved that the exacting Alienation fines on Devises is contrary to the Tenor and Condition of the Grants of Land in this province

Resolved that the Vacating of the Patents for land of the People of this province by the right Honourable the Lord Proprietary or his Chancellor for any cause whatsoever as Attempted to be practised here is Arbitrary Illegal and an Invasion on the rights and properties of his Majestys free and Liege Subjects inhabiting here

Resolved that the Naval officers of this province obliging people to pay their fees in Gold or Silver [is] directly contrary to An Act of Assembly of this province

Whereas of late there has been erected within this province a new office under the denomination of Master in Chancery with new fees without any Law of this province to support the same which is against the Common Custom and Usage in such cases as appears by a Report of the Committee of Aggrievances and courts of Justice dated the 1st day of June 1739 and concurred with by this House p. 902

Resolved therefore that the appointing new offices here with fees without the consent of the People of this Province or their Delegates in Assembly is illegal and Oppressive and Forasmuch as this House have this Session addressed his Excellency the Governor setting forth the several Aggrievances aforesaid but finding no Relief thereby have on the same Subject Addressed the Right Honourable the Lord

L. H. J. Proprietary and least no Relief should be found from him have also
Lib. No. 45 prepared An Address to be presented to his most Gracious Majesty as their last Resort in case his Lordship should Refuse or delay to Relieve this province in the matters complained of.

And forasmuch as it will be necessary for carrying on the said Addresses in Great Britain to send thither several copies of Records from this province and other necessary papers It is therefore Ordered by this House that M^r James Calder, Doctor Charles Carroll M^r Vachel Denton Captain Thomas Gassaway M^r Philip Hammond Major Edward Sprigg, M^r Turnor Wootton M^r Osborn Sprigg and M^r John Magruder members of this House or any two of them do prepare with all Possible dispatch Authentick copies of all such Matters they or any two of them shall think necessary for said purposes

Its further ordered that the said Members or the Major part of them Employ any person or Persons in Great Britain they shall think necessary for negotiating said Address in London but withal that they give particular Instructions that the Address to the right Honourable the Lord Proprietary be negotiated as well as can be before the Address to his Majesty be presented and that in Case his said Lordship will redress the Aggrievances Complained of the Address to his Majesty be not presented

It is further ordered that the person to be appointed to negotiate the affairs and present the Addresses aforesaid have it as an Instruction from the members aforesaid to wait the space of three months at least from the time he shall deliver the Address to his Lordship the Lord Baltimore for his said Lordships Answer thereto before he shall proceed to present the Address to his Majesty and that he shall not present the Address to his Majesty unless his Lordship shall Absolutely Refuse to Comply with the matters in the address to him but that if his Lordship shall propose a Redress to some of the Aggrievances mentioned in the Addresses or offer to come to Terms and shall want further time to Advise in such Case the said person shall not present the Address to his Majesty until he first advise the members aforesaid and take their further Instructions therein

It is further ordered that it be the duty of the said members or any of them or any other members of this House to Receive and take from all such persons as shall think fit to contribute any Sum or Sums of money or Bills be delivered to the members aforesaid or Any such five of them as shall be by the Major part of the said members appointed to be by them negotiated and from time to time applied in the best manner as to them shall seem proper to and for the uses aforesaid and that the said Members render to the next Assembly of the Delegates a fair Account of their proceedings herein. Ordered that the members of this House appointed to negotiate the aforego-

ing Affairs they or the Major part of them or any two of them L. H. J.
apply to the several officers and offices of this province and demand Lib. No. 45
and take on the publick Account Authentick Copies of any Acts of
Assembly conditions of Plantation or other matter or Papers what-
soever that to the said Members the Major part or any two of them
shall seem necessary and Requisite to be Transmitted to Great
Britain for the Service of this Province and that the said members
as a Committee of this House Employ a Clerk.

The House adjourned until Monday morning nine of the Clock.

Monday Morning June 11th 1739 The House met according to June 11
Adjournment &c.

And were all present as on Saturday except Mess^{rs} Clayton and
Wilkinson. Saturdays Proceedings read

M^r Magruder appears in the House this day

The House Adjourned until two of the Clock in the Afternoon

The following Message sent to the Upper House by M^r Moale
and M^r Sprigg who return and say they delivered it . (See page
273.)

Mr. Jenings from the Upper House delivers Mr. Speaker the fol-
lowing Message (See page 274.)

M^r Plater from the Upper House delivers M^r Speaker the Journal
of the Committee of Accounts with the following Indorsement
(See page 276.)

and the following message (See page 276.)

On reading which the following Message was prepared . (See p. 904
page 277.)

which being read is approved of and sent to the Upper House by
Captain Gordon and M^r Swann they return and say they delivered it

M^r Lee from the Upper House delivers M^r Speaker the Journal
of Accounts and the following message (See page 277.)

Upon reading which message resolved that this House will not
give any further Answer to any Message relating to the Journal
this Session

The Engrost Bill Entituled An Act concerning the Building a
dwelling House Out Houses and other Conveniences for a Gov-
ernor Assented to by this House sent to the Upper House with the
Paper Bill by Major Sprigg & M^r Goldsborough

The House Adjourned until to Morrow Morning at seven of the
Clock

L. H. J. Tuesday Morning June the 12th 1739 The House met according
 Lib. No. 45 to Adjournment &c^a
 June 12

All Present as yesterday except Col^o Hanson and Captain Trippe the following message (See page 277.)

Sent to the Upper House by M^r Henry and Captain Ennals who return and say they delivered it

M^r Lee from the Upper House delivers M^r Speaker the following message (See page 278.)

Ordered that an Address be prepared to his Excellency which being prepared accordingly, brought in read Approved of and In-grostr is ordered to be Entered and follows in these Words.

To his Excellency Samuel Ogle Esq^r Governor and Commander in Chief in and over the Province of Maryl^d

The humble Address of the House of Delegates of the same Province

May it please your Excellency.

As several Bills had passed and been Assented to by both Houses of Assembly we did by our Message this morning Request the Upper House to Appoint a time when some of Our members should Attend them to see those Bills sealed In this we apprehend we were Regular because what we desired was not only agreeable to the General Usage but that the seing the Seal Affixed is the last thing to be done by either House in order to prepare them to be presented to your Excellency for passing

p. 905 In answer to which message the Honourable Upper House have been pleased to tell us that we had complimented them with a power of the Seals but for that they could not command them desired to be excused from appointing a Time for seing the Laws sealed

What those Honourable Gentlemen mean by Answering one thing with another to which it hath no relation as the seing Laws Sealed and the power of the Seals, seem to us to be, we cannot apprehend unless it be to introduce something Triffling and Absurd into the proceedings, and to lay that upon this House which However we shall do what we can to avoid

We must therefore intreat your Excellency to give directions that the Seale may be affixed to those Bills, in the usual manner that as we have no other Business depending before us an end may be put to this Session and no further charge accrue to the Country

Sent to the Governor by M^r Smith, Col^o Colville, M^r Wootton, M^r Courts, M^r Gale and M^r Hall

Ordered that the Address to his Majesty and the Lord Proprietary be made part of the Journal of this House which accordingly follow in these Words

To the Kings most Excellent Majesty

L. H. J.
Lib. No. 45

In humble manner sheweth The humble Address and petition of the House of Delegates of the freemen of the province of Maryland in General Assembly convened

That your Majestys faithful and Loyal Subjects Inhabitants of the province of Maryland daily suffer many aggrievances oppressions and Extortions under the Proprietary Government of the Right Honourable the Lord Baron of Baltimore his Governor Ministers and Officers

That our Rights as British Subjects are invaded by having Taxes laid upon us without any law ; & Ordinances made by our Proprietary or his Governor with the Advice of A Council of his own choosing and who share in the Spoils of the people by holding the principal offices of the Government, imposed on us as laws ; with many other Evils too tedious here in particularity to mention, but are Contained in several Reports of our Committee of Aggrievances and other proceedings maturely considered and concurred with by us A House of Delegates, which we have taken the Liberty to transmit with this our Address in order to be laid before your Majesty, and which we hope will evince that we dont complain without sufficient cause

That to compleat our Misfortunes, after our Repeated and fruitless Sollicitations to his lordships Governor, for Relief we endeavoured to make a law for taxing ourselves in order to raise A Fund whereby to enable us to lay our Aggrievances at your Majestys feet, and implore your Royal protection, yet cannot Obtain to that law, the Assent of his Lordships Council, who, as we conceive without legal Authority, have assumed A Share in Our Legislature and a separate Negative on all Laws proposed by the Delegates in Assembly ; and holding their places in Council as well as their Offices in the Government at his Lordships Will and Pleasure are absolutely under his direction and serve only to screene him or his Governor from the imputation of any thing that is transacted hurtful or Oppressive to the people

We beg leave in the most humble manner to assure your Majesty that none of your Subjects are more peaceably disposed or more firmly attached to your Majestys person and Government than the Inhabitants of the Province of Maryland and that none of your colonies in America, would be more useful to our Mother Country, were we not dispirited and impoverished by being deprived of the Rights and privileges of British Subjects

May it therefore please your Majesty to take our Condition into your Royal Consideration and give Instructions to his Lordship the Right Honourable the Lord Proprietary his Governor and Council

L. H. J. here that a Law may be Assented to for raising money on our-
 Lib. No. 45 selves whereby the House of Delegates for the time being may be
 enabled to employ fit Agents and Council to lay our case in a proper
 manner before your Sacred Majesty whose Paternal care extends
 to all your Subjects how far soever remote and from whom alone
 we can expect relief and protection or otherwise to give us such
 further relief in the premises as to your Majesty in your great Wis-
 dom shall seem meet

To the Right Honourable Charles Lord Baron of Baltimore Ab-
 solute Lord and Proprietary of the Province of Maryland.

The humble Address of the House of Delegates of the said
 province

May it please your Lordship

We his Majestys Liege Subjects the Delegates and Representa-
 tives of the Province of Maryland in General Assembly convened
 having in vain made our Earnest Application to his Excellency
 your Lordships Governor in and over this province for the Redress
 of many Aggrievances we and those We represent daily Suffer
 beg leave with all dutiful Regard and Submission to lay them before
 p. 906 your Lordship and crave your relief therein

We are taxed yearly for your Lordships use twelve Pence Ster-
 ling for every Hogshead of Tobacco Exported and fourteen Pence
 for every Tun of Burthen of all Vessels trading in or to this prov-
 ince and not properly belonging thereto, without any Law that we
 know of for so doing which we must take the Freedom to say is an
 Incroachment on our Liberties and privileges, as British Subjects
 and what Our Sovereign Lord the King doth not do in any of his
 Realms

Our Courts of Justice are in a manner shut up to the People by a
 practice lately introduced of taking Judgment Bonds for fees and
 by the Cruel and Oppressive practices of Sheriffs and other Officers
 in the Prosecution of those Bonds

The settling the fees of Officers by your Lordships or your Gov-
 ernors Proclamation is as we conceive making An Ordinance of the
 same force with a Law contrary as well to an Express provisoe in
 the Royal Charter as against the Right of the Subject, and the more
 so as it is done by Advice of your Council many of the Members
 whereof have the greatest Share in those fees and to whom it is
 chiefly owing that we cannot have a law for settling them.

We are not for abridging your Lordship of any Prerogatives
 granted by the Kings Charter but are well Satisfied that to Exer-
 cise a power of Vacating your Tennants Grants as is now attempted
 is Extending that prerogative further than it ever was Intended nor
 can we less Complain of a thing very lately introduced of Exacting

Alienation fines on Devises of Lands as contrary to the Express
condition and Words of Our patents

L. H. J.
Lib. No. 45

We have many other Aggrievances besides what are here Enumerated but because it might be too Tedious to mention them particularly in this Address we have caused the several Reports of our Committee of Aggrievances concurred with by our House together with our Address to your Lordships Governor and other proceedings on the same Head to be laid before your Lordship to which We beg leave to refer and by the Perusal whereof your Lordship may be at large Informed

We must acknowledge it to be a matter of great concern to us that we are Obligated to make An Application of this Kind to your Lordship and flatter ourselves that it will be so disagreeable to yourself that by removing these Aggrievances you will prevent the necessity of the like Trouble for the future nor can we forbear reminding your Lordship that it was in a great measure under God owing to the Bravery of Our Ancestors and the many dangers and Hardships they suffered that this your province was first Settled and to the Labour and Industry of them and us that it has been brought to the perfection it has arrived to and your Lordships Estate and Income therefrom hath risen to the considerable Value it now is of; And as that Settlement was made by the Subjects of Great Britain in confidence of and dependance on that part of your Lordships Charter whereby it is ordained and provided that all persons transported or to be transported into this Province their Children and Descendants should be Denizens and Lieges of the then King His Heirs and Successors and in all things to be held treated Reputed and Esteemed as Liege faithful People of the then King his Heirs and Successors and Enjoy all Liberties Franchises and Priviledges of the Subjects of England We Cannot but think it extreemly hard that any Attempts should be made to deprive us their descendants of those Rights Liberties and Priviledges as plainly appears to be done in the Instances here mentioned

We therefore most Earnestly Intreat your Lordship to relieve us from those Aggrievances too heavy and Oppressive for us to bear and we can with Confidence assure you that as we always shall be peaceable faithful Subjects to his Majesty so you shall find us Dutiful Tennants to your Lordship and willing and desirous to promote your Interest and pay you every thing which of Right appertains to you

Ordered that the aforesaid Addresses be not delivered to the printer to be printed or published

M^r Clayton appears in the House to day

Edmund Jennings Esq^r and Col^o Gale from the Upper House acquaint M^r Speaker in the following Words, that the Governor finding by your Address just now presented to him that no Business

L. H. J. Lib. No. 45 lays before you requires the Immediate Attendance of M^r Speaker and the whole House in the Upper House and M^r Jenings further said that to prevent mistakes they were ordered to deliver M^r Speaker a paper containing the Words aforesaid which was delivered accordingly and thereupon M^r Speaker and the whole House go to the Upper House and afterwards Return to the Lower House, where M^r Speaker Reassumed the Chair and reported to this House that his Excellency the Governor in his Speech (of which he did not deliver M^r Speaker a Copy) was pleased with the Advice of his Lordships Council of State to prorogue this present General Assembly until the first Tuesday in September next and thereupon this House stands accordingly Prorogued to that Time

So Endeth this Convention in Assembly this twelfth day of June in the Twenty fifth year of the Dominion of the right Honourable Charles Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltimore and in the year of Our Lord God One Thousand Seven hundred and Thirty Nine

Test M. Macnemara Cl. Lo. Ho.

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY OF MARYLAND

*At a Session held at Annapolis April 23-June 5, 1740.
Being the First Session of the Assembly, Elected in 1739.*

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

SAMUEL OGLE,
Governor.

PROCEEDINGS

THE UPPER HOUSE OF ASSEMBLY

At a Session of Assembly begun and held at the City of Annapolis on Wednesday the 23^d Day of April in the twenty sixth year of his Lordships Dominion Annoq Domini 1740

Present

His Excellency Samuel Ogle Esq^r Governor

| | | | |
|-------------------|---|---|---|
| The honourable | { | Major Gen ^l Matt ^w Tilghman | George Plater Esq ^r |
| | | Ward | Sam ^l Chamberlain Esq ^r |
| | | Cof Charles Hammond | Edmund Jenings Esq ^r |
| | | Benjamin Tasker Esq ^r | |
| | | Cof James Harris | |

Calvert
Paper
No. 735
p. 1
A certified
copy of the
proceedings
attested by
John Ross
and Samuel
Ogle Oct.
28, 1740, and
sent to the
Lord Pro-
prietary
April 23

Mess^{rs} Hanson and Matthews from the Lower House acquaint His Excellency that there is a sufficient Number of Members met to make a House and wait his Excellencys Commands, and that John Mackall Esq^r their late Speaker is dead

Benjamin Tasker and George Plater Esq^{rs} are sent to acquaint the Lower House that his Excellency requires their Attendance in the Upper House immediately

The Lower House attend and his Excellency orders them to return to their House and make Choice of a Speaker

U. H. J. Mess^{rs} Hanson & Matthews from the Lower House acquaint his
 Calvert Excellency their House hath made Choice of a Speaker
 Paper
 No. 735 Edmund Jenings Esq^r and Col Hammond are sent to the Lower

House to inform them His Excellency requires their Attendance in the Upper House to present their Speaker for his Approbation

The whole House attend and present Philip Hammond Esq^r as their Speaker with which Choice his Excellency declares himself well pleased whereupon his Excellency makes the following Speech

Gentlemen of the Upper and Lower Houses of Assembly

I proposed to have deferred calling you together for some time in hopes of an Opportunity of laying before you an Answer from Our Lord Proprietor to the Address of the Lower House Ordered to be
 p. 2 presented to him at Our last Meeting, but His Lordship having been pleased to acquaint me, by the last Letter I have received from him, that he had not heard any thing of the said Address, I was loath to pass over the usual time of Our Meeting in Assembly, being very well satisfied, that the true Interest of the Province can never be pursued but by a good Agreement between the several Parts of the Legislature, which I shall always endeavour to cultivate as much as lies in my Power, by frequently calling you together, and making all such reasonable Compliances with Your Desires, as are consistent with the Trust reposed in me by his Majesty, and the Lord Proprietor

And I must earnestly recommend Temper and Moderation on Your Parts, that all Heats and Animositities may be avoided as much as possible: This is necessary to judge rightly in the most trivial Affairs of Life, and much more so in those of Weight, and Moment under Our Consideration in a Legislative Capacity; the making of Laws, for the real Advantage of those who are to be bound by them, being a Task not easily to be performed, even by Men of the very best Understandings, without a reasonable Degree of Thought and Attention

If We have the Misfortune to differ in Opinion upon any Point, it is cool and temperate Reason only that can bring us to a right Understanding, and indeed with This I cannot well conceive how any of Our Differences should prove irreconcilable, for the Interest of the Proprietor depends so plainly and evidently upon the Prosperity of the Province, that it is impossible for any Man of Understanding to imagine him not to have it sincerely at heart; On the other hand, as the Safety of the People, and the Security of their Property are owing to the Protection of the Govern^t it is certainly their Interest, as well as Duty, to give it a reasonable and proper Support; And I hope that the Duties appropriated to this Use, and to the purchasing of Arms and Ammunition for the Defence of the Province, will be

thought by all candid and reasonable Men, no more than sufficient for the Purposes they are intended, even in times of the profoundest peace: At present the Situation of Our Affairs certainly require something further from Us for our own necessary Defence

There is no need of exaggerating the Danger we lately escaped from the horrid Conspiracy of Our Negroes, it being very certain, if they had carried their Design into Execution, We should have been put to the cruel Necessity of defending Our own Lives at the Expence of many of theirs, to the entire Ruin of Numbers of particular Families, and perhaps of the Province in General: And indeed the Danger we must of Course be exposed to, from so large a Body of Slaves, will always be very great, but particularly so in time of War, which you well know we are now warmly engaged in with Spain, and must from Our different Interests always be in Danger of having with France, who is become a near and formidable Neighbour to the British Plantations, and seems to have it in her Power to invade most of them, whenever she pleases, in the present Condition they are in

p. 3

These are Points, Gentlemen, very well worth your Attention, and I hope you will shew your Prudence and Discretion in the Consideration of them; Let us but imitate the Wisdom of Our Mother Country in arming Ourselves in the best Manner that Our Circumstances will admit of, and we may reasonably hope to remain free from all Insults here, while the British Arms, to the great Joy of all true Englishmen, are acquiring so much Glory in other Parts of the World.

You may see, by the Publick Papers, what large Sums of Money several of the other Colonies are raising, and what great Preparations they are making for the Defence of themselves and their Neighbours, and I flatter myself that the Assembly of Maryland will shew no less Regard for their own Safety, and Zeal for the Publick Good than Others, in this very critical Juncture of Affairs

For my own Part, I can very truly assure you, I have no other View but promoting your Happiness and Prosperity, which I shall always do to the utmost of my Power, being fully perswaded that all Gentlemen of Understanding and Humanity in the like Stations with myself, must find more real and lasting Pleasure and Satisfaction in employing the Power they are intrusted with, for the Welfare of the People under their Care, than in any Advantages they can procure to themselves by acting otherwise: And I believe I may justly say, it would have been happy for the People under the several Governments in his Majestys Dominions in America, if they had always made a right Use of this Disposition in their Governors, and joined heartily with them, whenever it was really for their Interest so to do, and only opposed them when such Opposition was for the Service of their Country

p. 4

U. H. J.
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I am very far from expecting, or even desiring You to follow implicitly the Directions of the Government, all that I recommend to you is to weigh with Candour and Impartiality every Proposition that comes before you, without any Regard to the Gentleman it comes from, whether he has a Place under the Government, or wants One, and to approve or reject it, as you think in your Consciences it will be for the Good or Hurt of your Country

This is so just and reasonable a Method of Proceeding, and so very apparently for your own true Interest and Advantage, that I should have thought it unnecessary to have mentioned it to you, had I not found by Experience, that many honest and well meaning Men have been induced to oppose several things, of very great Advantage to the Province, that have been proposed by the Government

As to Aggrievances of any Sort, I am sure it is very far from my Nature to countenance or encourage them upon any Account whatsoever, and I can truly bear Witness for his Lordship, that he is so far from desiring to make any Encroachment on the Rights of his Tenants, that I have ever found him as ready and willing to grant them all reasonable favours and Indulgencies, as Assemblies themselves have been to apply for them: however, if by any Prejudice, or Difference in Our Ways of thinking, you should take for Grievances, what the Government looks upon as the just and legal Rights of his Lordship, and the undoubted Prerogative of the Crown, nothing remains for us to do, but to refer Ourselves to the Justice and Equity of his Majesty, whose Ear is always most graciously open to the just Complaints of the remotest of his Subjects, and from whom We may expect such a happy Determination of all Matters in Dispute, as will leave Us nothing further to do, but to unite Our Endeavours in promoting the Trade and Prosperity of the Province, which I am sure no Man in it wishes more sincerely than Myself

Adjourned till to Morrow Morning ten of the Clock

April 24
P. 5

Thursday Morning 24th of April 1740

This House met again according to Adjournment Present as Yesterday

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment Present as in the Morning

Adjourned till to Morrow Morning ten of the Clock

Friday Morning 25th April 1740

U. H. J.
Calvert
Paper
No. 735
April 25

This House met again According to Adjournment Present as
Yesterday

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment Present as in
the Morning

Adjourned till to Morrow Morning ten of the Clock

Saturday Morning 26th April 1740

April 26

This House met again according to Adjournment Present as
Yesterday with the Addition of Cot Gale, Edmund Jennings Esq^r
excepted

Adjourned till Monday Morning ten of the Clock

Monday Morning 28th April 1740

April 28

This House met again according to Adjournment

Present

| | | |
|--------------|----------------------------------|-------------------------------------|
| The honble { | Major General Matt ^w | Cot Charles Hammond |
| | Tilghman Ward | Cot Levin Gale |
| | Benjamin Tasker Esq ^r | Cot James Harris |
| | George Plater Esq ^r | Samuel Chamberlain Esq ^r |
| | Edmund Jennings Esq ^r | |

Major General Ward attended by the Members of this House
presents to his Excellency the Governor the Address of this House
which follows in these Words

To His Excellency Samuel Ogle Esq^r Governor and Commander
in Chief in and over the Province of Maryland

p. 6

The humble Address of the Upper House of Assembly

Be pleased, Sir, to accept Our sincere Thanks for your kind
Speech and this fresh Instance of your Earnestness to cultivate a
good Agreement between the several Parts of the Legislature, so
necessary for the Pursuit of the true Interest of the Province, by
calling us now together in Assembly; nor do your Endeavours for
the Happiness of Maryland rest here, But at the same time that you
assure us of all such reasonable Compliances from yourself as are
consistent with the Trust reposed in you by his Majesty and the
Lord Proprietary; you most obligingly recommend to Us Temper
and Moderation, and to avoid Heats and Animositities baneful to

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all kind of Deliberations, and much more so in Publick Assemblies of Legislature; This affectionate Admonition is so just and reasonable, that We beg Leave to assure your Excellency of Our Resolution to have it constantly in View; so as (We hope) not to be interrupted in any Manner whatsoever, especially as We are convinced, that the Interest of the Proprietary and his Tenants is mutual, and that the Support of a Government and the Prosperity of a People have a necessary Dependance on Each Other.

We are so thoroughly perswaded of the Truth of the late horrid Conspiracy of Our Negroes, and the tragical Effects which the Execution of it must have had, that We cannot omit this Publick Opportunity of acknowledging Our just Sense of the vigilant Care and Attention your Excellency on this Occasion manifested, for the Safety and Happiness of this Province in giving proper Directions for an Enquiry, encouraging Discoveries, and ordering Prosecutions against the Accused, by which Means the Ringleader has been brought to Justice, and suffered a condign Punishment; And We should think Ourselves too cool in Our Duties to the Publick Peace, and Welbeing of the Province, if we were not heartily disposed to make any further and better Provision, than at present, for Our common Security as well against rebellious Designs of Negroes, as hostile Attempts of His Majestys Enemies; And was it possible, that Incentives could be wanting to stir us up to take any necessary
p. 7 Steps for Our own Preservation, The Warmth and Zeal of Our Fellow Subjects not only in Great Britain, but in several of his Majestys American Plantations, at this Juncture, must raise in the Breast of Every true Lover of his King and Country, a noble Emulation for Our common Safety, and the just Cause, in which his Majestys Arms are now so gloriously and successfully employed

The Method, which Your Excellency has been pleased to lay before Us in several Parts of Your Speech for considering and judging of whatever may be proposed in Our Publick Consultations, is so earnestly pressed by Your Excellency, and so necessary to a happy Issue of Our Meeting, that We cannot doubt of the Sincerity of your Wishes or Endeavours in promoting the Trade and Prosperity of this Province

Matthew Tilghman Ward Presid^t

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning with the Addition of Col James Holiday

Adjourned till to Morrow Morning ten of the Clock

Tuesday Morning 29th April 1740

This House met again according to Adjournment Present as yesterday

U. H. J.
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Paper
No. 735
April 29

His Excellency is pleased to communicate his Answer to the Address of this House in the following Words.

Gentlemen of the Upper House of Assembly

I thank you very heartily for your kind and obliging Address and as I cannot but flatter myself, that you are fully convinced of the sincerity of my Wishes and Endeavours for the Welfare and Prosperity of the Province, I shall always hope for the Continuance of your kind Advice and Assistance

Sam: Ogle

A Message from the Lower House by Mess^{rs} Sheredine & Rumsey

By the Lower House of Assembly 29 April 1740

p. 8

May it please Your Honours

This House hath appointed Mess^{rs} Thomas Colvill, Richard Caswall, William Rumsey, Thomas Sheredine, Charles Hynson and Grundy Pemberton as Members of this House to join such Members your House shall appoint as a Committee to inspect the Accounts and Proceedings of the Commiss^{rs} for emitting Bills of Credit established by Act of Assembly who are ready to attend at any time Your Honours shall appoint

Signed p Order M Macnemara Ct Lo. H.

The following Message is sent by Samuel Chamberlain Esq^r

By the Upper House of Assembly 29 April 1740

Gentlemen

In Answer to your Message of this Day by M^{rs} Sheredine and Rumsey this House hath appointed Cot Levin Gale to join the Members named by your House as a Committee to inspect the Accounts and Proceedings of the Comm^{rs} of the Paper Currency who will be ready to attend to Morrow Morning at Eleven of the Clock

Signed p Order John Ross Ct Up H.

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

The House met again according to Adjournment

Present as in the morning

Adjourned till to Morrow Morning ten of the Clock

U. H. J.
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No. 735
April 30

Wednesday Morning 30th April 1740

This House met again according to Adjournment Present as
Yesterday

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment Present as in
the morning

A Bill from the Lower House by Col King and 12 Others Entitled An Act for issuing and paying out of the Office of the Commissioners or Trustees for emitting Bills of Credit established by Act of Assembly of the province of Maryland the Sum of 2636:16:3
p. 9 Current Money in Bills of Credit of this Province to be applied for Encouragement of such Persons as shall voluntarily enlist themselves in his Majestys Service thus Endorsed

By the Lower House of Assembly 29 April 1740

Read the first time and ordered to lye on the Table

Signed p Order M Macnemara Cl Lo H.

By the Lower House of Assembly 30 April 1740

Read the second time and will pass

Signed p Order M Macnemara Cl Lo H.

Read the first time in this House & ordered to lye on the Table
and the following Message

By the Lower House of Assembly 30 April 1740

May it please Your Honours

We herewith send you a Bill Entituled an Act for issuing and paying out of the Office of the Commissioners or Trustees for emitting Bills of Credit established by Act of Assembly of the Province of

Maryland the Sum of 2636:16:3 ^{£ s. d.} Current Money in Bills of Credit of this Province to be applied for Encouragement of such Persons as shall voluntarily enlist themselves in his Majestys Service; And as his Majestys Commissions therein mentioned may be hourly expected, We conceive it requisite it should be passed into a Law with all convenient Speed, and therefore perswade Ourselves it will find such Dispatch in your House, as the Nature of the thing requires

We have taken the freedom to nominate such of Your Honours as live in the respective Counties as the Agents or persons to whom the Distribution of the Money is to be committed, believing that as it is a thing to be done particularly for his Majestys Service, Those of the first Rank in the several Counties are the most proper to be

intrusted with the Execution of it, and that therefore you will
readily accept of the Charge

U. H. J.
Calvert
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No. 735

Signed p Order M Macnemara Ct Lo H.

Adjourned till to Morrow Morning ten of the Clock

Thursday Morning 1st May 1740

May 1
p. 10

This House met again according to Adjournment Present as
yesterday

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment Present as
in the morning

Adjourned till to Morrow Morning ten of the Clock

Friday Morning 2^d May 1740

May 2

This House met again according to Adjournment Present as
Yesterday except Cot Hammond

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment Present as in
the Morning

Adjourned till to Morrow Morning ten of the Clock

Saturday Morning 3^d May 1740

May 3

This House met again according to Adjournment Present as
yesterday with the Addition of Cot Hammond

Adjourned till Monday Morning ten of the Clock

Monday Morning 5th May 1740

May 5

This House met again according to Adjournment

Present

| | | |
|------------------|----------------------------------|---|
| The honourable { | Benjamin Tasker Esq ^r | Cot Levin Gale |
| | Philip Lee Esq ^r | Cot James Harris |
| | Edmund Jenings Esq ^r | Sam ^l Chamberlain Esq ^r |
| | Cot James Hollyday | |

Adjourned till to Morrow Morning ten of the Clock

U. H. J.
Calvert
Paper
No. 735
May 6
p. 11

Tuesday Morning 6th May 1740

This House met again according to Adjournment Present as yesterday with the Addition of George Plater Esq^r & Co^t Hammond Mess^{rs} Denton and Carrol from the Lower House attend with M^r Henry Hall a Member elected for Ann Arundel County in the Room of M^r Tho^s Gassaway deceased, in order to see him qualified, who takes the Oaths to the Govern^t appointed to be taken by Act of Assembly, and subscribes the Abjuration and Test and then withdrew

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment Present as in the Morning

A Bill from the Lower House by Co^t King and five Others Entitled an Act for raising an Annual Revenue for the better Support of the Station and Dignity of his Lordships Governor for the time being and for the Safety and better Defence of this Province thus Endorsed

By the Lower House of Assembly 3^d May 1740

Read the first time & ordered to lye on the Table

Signed p Order M Macnemara C^t Lo H.

By the Lower House of Assembly 6th May 1740

Read the first time in this House & ordered to lye on the Table

A Bill from the Lower House by M^r Smith and five Others Entit^d an Act for raising three Pence p hh^d on all Tobacco to be exported in the time therein mentioned for purchasing Arms and Ammunition for the Defence of this Province thus Endorsed

By the Lower House of Assembly 3^d May 1740

p. 12 Read the first time & ordered to lye on the Table

Signed p Order M Macnemara C^t Lo H.

By the Lower House of Assembly 6 May 1740

Read the second time and will pass

Signed p Order M Macnemara C^t Lo H.

Read the first time in this House & ordered to lye on the Table

Adjourned till to morrow Morning ten of the Clock

Wednesday Morning 7th May 1740

U. H. J.
Calvert
Paper
No. 735
May 7

This House met again according to Adjournment Present as yesterday

The two foregoing Bills being ordered to be entered at large in the Journals of this House are as follow

An Act for raising an Annual Revenue for the better Support of the Station and Dignity of his Lordship's Governor for the time being and for the Safety and better Defence of this Province

Whereas it clearly appears to this General Assembly that the Act made at a Session of Assembly begun and held at the Town and Port of Annapolis in Ann Arundel County the fifth Day of September in the third Year of the Reign of Our late Sovereign Lady Queen Ann of pious Memory in the Year of Our Lord One Thousand Seven hundred and four Entituled An Act for Settlement of an Annual Revenue upon her Majestys Governor within this Province for the Time being was not meant intended or designed for the Use Profit or Advantage of the Right honourable the Lord Proprietor or his Governor, nor that the Words Sense or Meaning of the said Act will bear any such Explanation Construction or Interpretation, although his Lordship has been pleased since the Expiration of the Act Entituled an Act for laying an Imposition on Tobacco by the hogshead for Support of Government, and for Payment of his Lordships Quit Rents and Alienation fines for the time therein mentioned made and passed at a Session of Assembly begun and held at the City of Annapolis the Eleventh Day of July in the Year of Our Lord God Seventeen hundred and thirty Two to levy the said Impost or Duty of Twelve Pence Sterling p hogshead to his own Use on all Tobacco exported out of this Province since that time under Colour of the said Act made in September Seventeen hundred and four before mentioned And this general Assembly being willing and desirous to avoid all Causes of Contention and Disputes with his Lordship the Lord Proprietary and that a good and lasting Friendship & Union may be cultivated between his Lordship and the Good People of Maryland and to support in an honourable Manner his Lordships Governor for the time being in and over this Province and for the better Security and Defence of the same humbly pray that it may be enacted And Be it enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordships Governor and the Upper and Lower Houses of Assembly and the Authority of the same that One shilling Sterling p hogshead for defraying the Charges of Government in manner and form as herein after set forth shall be raised levyed and paid unto the several & respective Naval Officers within this Province by the Shipper or Shippers of such Tobacco for every hogshead and Quantity

p. 13

U. H. J. of an hogshead of Tobacco whether in hogshead or Other Package
Calvert which hereafter shall be shipped in any Ship or Vessel to be exported
Paper out of this Province or any of the Territories Islands Ports Rivers
No. 735 Creeks or places thereunto belonging

And Be it further Enacted by the Authority aforesaid that for the greater Ease and better Security in the Payment of the Duty or Impost aforesaid that the said Duty and Imposition shall be from time to time paid and satisfied by the Master or Masters of every such Ship or Vessel respectively in which any such Tobacco shall be exported upon his or their Clearing or taking out his or their Dispatch or Dispatches for every such respective Ship or Vessel and before the Departure of such Ship or Vessel coming into this Province and that such Master or Masters shall at their first Arrival here and before their loading on board any Goods or Commodities of the Growth Production or Manufacture of this Province give good and sufficient Security to his Excellency the Governor for the time being or to the Officer thereunto especially appointed for the Payment of the said Duty or Imposition accordingly

p. 14 And be it further Enacted by the Authority aforesaid that every Master of any Ship or Vessel as aforesaid at the time of his Clearing shall upon Oath declare before such Naval Officer or Officers (which Oath the same Officer or Officers are hereby empowered to administer) what Number of hogsheads or other Packages of Tobacco he hath on board his Ship or Vessel in Order to be exported as aforesaid with their respective Marks and Numbers, and if it shall happen that in any such other Package as aforesaid there shall be contained any Quantity of Tobacco under Eight Hundred that in Every such Case the same Master shall pay the aforesaid Duty therefore at the Rate of three half Pence like Money for Every hundred Weight and so in proportion for a greater or lesser Quantity, And in Case the said Master shall refuse the said Oath, or upon Suspicion of having Goods on board for which he has not cleared it shall be lawful for the said Naval Officer to enter on board any such Ship or Vessel and the same to search for any such Goods as aforesaid any thing in this Act before mentioned notwithstanding

Provided always and it is the true Intent and Meaning hereof that this Act nor anything herein contained shall be adjudged construed reputed or taken (anything herein before contained to the contrary notwithstanding) to entitle his said Lordship his Heirs or Assigns or his or their Governor or Governors for the time being to the Benefit Advantage or Right to the aforesaid One shift p hogshead granted to her most Sacred Majesty Queen Ann her Heirs and Successors for the Support of her Government for the time being Entituled An Act for Settlement of an Annual Revenue upon her Majestys Governor within this Province for the time being made Anno Domini seventeen hundred and four nor to discharge his

Lordship from accounting for the Arrears of the One Shilling \mathfrak{p} hogshead received by him since the year of Our Lord God seventeen hundred and thirty three for supporting the Government and providing Arms and Ammunition for the Defence of this Province

U. H. J.
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And Be it further Enacted by and with the Advice Consent and Authority aforesaid that the said several and respective Naval Officers within this Province shall be and are hereby obliged to pay the Money arising from the said Impost or Duty of One shilling \mathfrak{p} hogshead on all Tobaccos exported out of this Province as aforesaid unto the Treasurer or Treasurers of this Province for the time being in good Bills of Exchange or Sterling Money of Great Britain

p. 15

And It is hereby further enacted that the said Treasurer or Treasurers of this Province for the time being are hereby obliged to receive the said Money from the said Several and respective Naval Officers, and are hereby made accountable for the same as for other Publick Money paid unto and received by them and out of which Money arising from the Duty and Impost aforesaid they are hereby obliged and directed to pay unto his Lordships Governor actually residing within this Province for the time being the yearly Sum of One thousand Pounds Sterling Money of Great Britain at his Dwelling House in the City of Annapolis in good Bills of Exchange or Sterling Money to his Liking for the better and more honourable Support of his Station and Dignity, and for which they the said Treasurer or Treasurers are hereby required to take Receipt or Receipts for the Sums so by them respectively paid yearly and every year during the Continuance of this Act.

And Be it further Enacted by the Authority aforesaid that the said Treasurer or Treasurers respectively for the time being shall and are hereby obliged to apply the Remainder or Residue of the said Impost or Duty of One Shillnig \mathfrak{p} hogshead so as aforesaid by them to be received after the payment or Discharge of the said One thousand Pounds Sterling Money to his Excellency his Lordships Governor for the time being actually residing within this Province towards the purchasing Arms and Ammunition and other Warlike Stores for the better Security and Defence of this Province as from time to time shall be thought necessary and requisite by his Lordships Governor and Council for the time being in manner and form as herein after directed

And Be it further Enacted by the Authority aforesaid that after the Receipt of the said Impost and Duty by the Treasurer or Treasurers aforesaid and the Payment to be made to his Excellency the Governor for the time being as before directed that they the said Treasurer or Treasurers respectively shall certify to His Excellency the Governor in Council yearly what Ballance or Ballances remain in their Hands respectively at or before the twenty ninth Day of

p. 16

U. H. J. September yearly and every year during the Continuance of this
Calvert Act, and that at whatsoever Time or Time then after it shall please
Paper his Lordships Governor and Council for the time being to certify to
No. 735 such Agents respectively by an Order signed by the Clerk of the
Council for the time being what Arms or Ammunition or other
Warlike Stores may be most requisite for the Service and Defence
of this Province to be sent for to Great Britain over & above those
already purchased, or to be purchased with the Money heretofore
levied for that Purpose it shall and may be lawful for the said
Treasurer or Treasurers respectively and they are hereby obliged to
send for such Arms Ammunition or Warlike Stores to Great Britain
as to them or either of them shall be so certified in Proportion to
the Ballance or Ballances in their or either of their Hands respec-
tively and shall procure or cause the same to be imported into the
Province, and when so imported to be lodged in the Armory or
Magazine of this Province under the Care and Custody of the Person
or Persons who is are or shall be appointed for the keeping and tak-
ing Care of the same, and likewise take his or their Receipt for the
same and that such Armourer Armourers or Store keeper shall and
are hereby made accountable for all such Arms Ammunition or war-
like Stores so as aforesaid by him or them received into such Store
or Magazine and are hereby obliged to render an Account on Oath
yearly and every year of such Arms Ammunition to him or them
delivered and how and in what manner disposed of, to every General
Assembly which shall be in any Year or Years during the Continu-
ance of this Act And Be it further Enacted that the said Treasurer
or Treasurers shall at the next Session of Assembly yearly and every
Year lay their Accounts respectively before the same, how and in
what manner the Money arising by this Act hath been laid out and
expended to the Uses and Purposes aforesaid and likewise a particu-
lar Account of such Arms Ammunition and Warlike Stores as shall
or may be purchased by any Ballance or Ballances of the same Pro-
vided always and it is hereby enacted & declared by the Authority
p. 17 aforesaid for the Encouragement of Maryland Owners that every
Ship or Vessel wholly and solely belonging to the Inhabitants of
this Province shall have the Privilege of being free from paying
the said Duty or Impost of One Shilling p hogshead for any To-
bacco exported in any such Ship or Vessel out of this Province or
the Territories Islands Rivers Creeks or Ports thereunto belonging
and the said several and respective Naval Officers are hereby obliged
and directed to clear such Ship or Vessel upon the Oath or Oaths of
any One or more of the Owners that such Ship or Vessel is wholly
and solely belonging to Inhabitants of this Province and that no
other Person or Persons directly or indirectly hath any Part or
Share in such Vessel, and which Oath the said several and respective
Naval Officers are hereby impowered to administer to such Owner or

Owners at the Time or Times of clearing such Ship or Vessel respectively any thing in this Act or any other Act Law Usage or Custom to the Contrary notwithstanding Provided also that from and after this present Session of Assembly in Case of Shipwreck or other Loss of any Ship or Vessel Ships or Vessels so that the Tobacco therein so loaden and paid for be lost before the Delivery of Each Ship or Vessel at the intended Port then the Master Merchant or Owner of such Tobacco so loaden and lost and who shall have paid the Duty and Impost aforesaid shall have Liberty to ship at some other time so many hogsheads of Tobacco as they had formerly paid Impost Money for as aforesaid free and clear of the said Duty and Impostion

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And Be it further Enacted by and with the Authority Advice & Consent aforesaid that the said several and respective Naval Officers within this Province shall and may retain out of the money arising by the Duty and Impost aforesaid for their Care and Trouble in receiving the same and payment thereof to the respective Treasurer or Treasurers of this Province a Commission of Two Pounds ten Shillings p Cent for what shall be so received and paid by them as aforesaid and that the said Treasurer or Treasurers shall and May retain in his or their Hands respectively for their Care and Trouble in receiving the same from the said Naval Officers and paying the same as before directed a Commission of Two Pounds ten shillings p Cent on all such Money arising by the Duty and Impost aforesaid as shall to them be respectively paid and which they shall pay and disburse to and for the Uses herein before directed

p. 18

And Be it further Enacted by the Authority aforesaid that this Act shall be and remain in full force and Virtue from the End of this Session of Assembly until the twenty ninth Day of September which shall be in the Year of Our Lord God One thousand seven hundred and forty three and no longer

An Act for raising Three Pence p hogshead on all Tobacco to be exported within the time therein mentioned for purchasing Arms and Ammunition for the Defence of this Province

Whereas His Majesty Our most Gracious Sovereign is now engaged in a War with Spain and that there are some Grounds to apprehend the Crown of France will join in the same War against him, who having large Possessions on this Continent adjoining to some of those of Great Britain may in such Case very probably attempt an Invasion on some of his Majestys Colonies here And lest the Magazines of Arms and Ammunition now in this Province and the money heretofore and now raised by any Ways or Means whatsoever for the Defence of this Government and the purchasing Arms and Ammunition should prove insufficient for that Purpose at this

U. H. J. important Juncture We his Majestys faithful Subjects the Dele-
Calvert gates of the Freemen of the Province of Maryland in General As-
Paper sem- bly convened as well to testify Our Zeal for his Majestys Person
No. 735 and Government and to contribute as far as in us lieth to the Suc-
cess of his Majestys Arms against all Enemies whatsoever as to put
Ourselves in the best Posture of Defence We are able against any
such Invasion or Attempt of the French or any Others humbly pray
that it may be Enacted And Be it Enacted by the Right Honourable
the Lord Proprietary by and with the Advice and Consent of his
Lordships Governor and the Upper and Lower Houses of Assembly
and the Authority of the same that there shall be levied and raised
a Duty or Impost of Three pence Sterling Money for Every hogs-
p. 19 head of Tobacco which shall be exported in any Ship or Vessel out
of this Province from and after the End of this Session of Assem-
bly until the twenty ninth Day of September which shall be in the
year of Our Lord One thousand Seven hundred and forty one and
no longer and be collected and received by the several and respective
Naval Officers of this Province in the same Manner as Other Duties
on Tobacco have been heretofore collected and received and by the
said Naval Officers paid to the respective Treasurers of this Pro-
vince for the time being to be by them applyed and disposed of for
the purchasing Arms Ammunition and other Warlike Stores in
manner as herein after directed for the Defence and Preservation
of the Province af^d

And Be it further Enacted by the Authority aforesaid that at
whatsoever Time or Times after the End of this Session of Assem-
bly it shall please his Excellency the Governor and the Council of this
Province for the time being to consider of and certify by Writing
signed by the Clerk of the Council to the Treasurers aforesaid or
any of them what Arms Ammunition or Other Warlike Stores they
shall judge necessary over and above those already purchased or to
be purchased with the Moneys heretofore raised or collected for that
Purpose for the better Defence and Preservation of this Province
It shall and may be lawful for the same Treasurer or Treasurers
and Each of them and they are hereby impowered and required with
all Convenient Speed after the Receipt of such Certificate to buy up
and purchase in Great Britain or elsewhere in his Majestys Domin-
ions as to them shall seem meet all such Arms Ammunitions and
Stores af^d to him or them as aforesaid certified, or so much thereof
respectively as shall amount in Value to the money to be raised as
aforesaid and lodged and paid into his or their Hands as aforesaid
and shall procure and cause the Arms Ammunition and Stores afore-
said to be imported into this Province and lodged in the Publick
Armory or Magazine of the same Province committed to the Care
and Custody of the Person or Persons who is are or shall be ap-
pointed for the keeping and taking Care of the Armory & Magazine

aforesaid And Be it further Enacted by the Authority aforesaid that the Treasurer or Treasurers aforesaid at the next Session of Assembly which shall happen after the purchasing and Importation aforesaid shall lay before both the Houses of that Assembly true and fair Accounts of all Moneys by them received by Virtue of this Act and also of all such Arms Ammunition and other Stores aforesaid by them so purchased with the Prices thereof and all Charges and Expences arising on the same purchase and Importation and also the Certificate or Certificates aforesaid by means whereof such Purchase had been made as aforesaid And Be it further Enacted that upon the Delivery of the Arms Ammunition and Stores aforesaid or any of them to the Person or Persons aforesaid having the Care and Keeping of the Armoury and Magazine aforesaid the same Treasurer or Treasurers be and are hereby required to take a Receipt or Receipts from such person or persons signed with their hand or hands which they are hereby required to make and deliver particularly specifying all such Arms Ammunition and Other Stores by them so received and such Receipt or Receipts shall also lay before the said Houses of Assembly together with the Accounts aforesaid And that such Person or Persons shall be and are hereby made accountable for all such Arms Ammunition or Warlike Stores so as aforesaid by him or them received into such Armoury or Magazine and are hereby obliged to render an Account on Oath of such Arms Ammunition and Warlike Stores to him or them delivered and how and in what manner disposed of at the next General Assembly which shall happen after the purchasing Importation and Receipt aforesaid And Be it further Enacted by the Authority aforesaid that the several Naval Officers aforesaid shall have and take the Commission of Two Pounds ten shillings p Cent for all such Moneys raised by Virtue of this Act and by them respectively received and paid to the respective Treasurers aforesaid and no more and that the Treasurers aforesaid for receiving the Money aforesaid from the Naval Officers remitting the same to England or other place where the Arms aforesaid shall be purchased and for procuring the said Arms Ammunition and Other Warlike Stores to be purchased imported and delivered as aforesaid shall take and receive the Commission of Two Pounds ten Shillings p Cent on all such Money as they shall respectively receive and remit besides the Charges of Importation and delivering as aforesaid and no more And Be it further Enacted that if after the money so raised and collected as aforesaid shall be paid to the Treasurer or Treasurers aforesaid the Governor and Council for the time being should not certify to the same Treasurer or Treasurers the Arms Ammunition and Stores to be purchased and imported as aforesaid or that the Arms Ammunition and other Stores by them certified should not amount in Value to all the

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U. H. J. Money so raised and received by the Treasurer or Treasurers afore-
 Calvert said so that all or any Part thereof shall remain in the hands of the
 Paper
 No. 735 same Treasurer or Treasurers unapplied as aforesaid in every such
 Case the same Treasurer or Treasurers shall give Notice thereof to
 the next General Assembly to be held for this Province after their
 Receipt of the said Money and shall render an Account to the same
 Assembly of all or such Part of the said Money which shall be then
 in their or any of their Hands unapplied as aforesaid and shall pay
 and dispose thereof to such Person or Persons in such manner and
 form as Both Houses of the said Assembly shall direct and appoint
 Provided also that from and after the End of this present Session of
 Assembly in Case of Shipwreck or other Loss of any Ship or Vessel,
 Ships or Vessels so that the Tobacco therein so loaden and paid for
 be lost before the Delivery thereof at the intended Port, then the
 Master Merchant or Owner of such Tobacco so loaden and lost
 and who shall have paid the Duty and Impost aforesaid shall have
 Liberty to ship at some other Time so many hogsheads of Tobacco
 as they had formerly paid Impost money for as aforesaid free and
 clear of the said Duty and Imposition

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment Present as
 in the Morning

A Bill from the Lower House by Mess^{rs} Henry and Weems En-
 titled an Act for ascertaining the Gauge of Barrels for Pork and
 Beef and the Nett Quantity of Pork and Beef to be therein contained
 thus Endorsed

By the Lower House of Assembly 5th of May 1740

Read the first time and ordered to lye on the Table

Signed p Order M Macnemara Ct Lo H.

By the Lower House of Assembly 7th of May 1740

p. 22 Read the second time and will pass

Signed p Order M Macnemara Ct Lo H.

Adjourned till to Morrow Morning ten of the Clock

May 8

Thursday Morning 8th of May 1740

This House met again according to Adjournment Present as
 Yesterday

Read the second time the Bill Entituled an Act for issuing and
 paying out of the Office of the Commissioners or Trustees for

emitting Bills of Credit established by Act of Assembly of the Province of Maryland the Sum of 2636:16:3 Current money in Bills of Credit of this Province to be applyed for Encouragement of such Persons as shall voluntarily enlist themselves in his Majestys Service, and will not pass

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Read the second time the Bill Entituled an Act for raising Three Pence p hogshead on all Tobacco to be exported in the time therein mentioned for purchasing Arms and Ammunition for the Defence of this Province, and will not pass, the aforegoing Bills sent to the Lower House with the following Message by Col Harris

By the Upper House of Assembly 8th May 1740

Gentlemen

As Your Bill for issuing and paying out of the Office £2636:16:3 for Encouragement of persons enlisting themselves in his Majestys Service, by the Title and Preamble, seemed to shew a dutiful and commendable Ardour (which must fire the Breast of every sincere Lover of Our present happy and glorious Establishment of the illustrious House of Hannover) to facilitate and forward the Execution of the Grand Designs his Majesty has formed against the Spanish Settlements in the West Indies; We think it becomes Us, in an Affair of this nature, not only to acquaint you with the Reasons that induced this House to return Your Bill with a Negative; but also with what we are assured must much more effectually, than this Bill, contribute to the Success of Our Zeal for his Majestys Service: And therefore, Gentlemen, We hope you will permit us to say, that this Bill is not only in some parts improper but in other Parts so far from promoting the End designed, that hardly anything could be imagined more destructive to the laudable Purposes professed by the Preamble

We observe that the Monies intended to be issued and paid by p. 23
Virtue of this Bill, are distinguished by monies appropriated to particular uses & Purposes, and by monies in general out of the Office; Which last, we suppose, you apprehend not to be at all appropriated; As to the first Branch of Monies, we cannot but think it very extraordinary, that any Money already appropriated to particular Uses and Purposes, should be otherways applyed, unless such Uses and Purposes were either already complied with, or intirely abolished, or particularly and expresly provided for by the very Act directing an Application contrary to the former Uses; But instead of that the Replacing of these Monies is by this Bill referred to the Act of a future Assembly, which may or may not appoint the Committee made necessary by this Bill to replace such Money

As to the other Part of the Monies which may be in the Office, you will be pleased to consider on what Fund or Security Our Paper

U. H. J. Currency stands, by which you will find, that whatever of the Money
 Calvert now subject to be lent on Loan is taken away, must in proportion
 Paper lessen the Security or Fund of Our Currency; for all Monies to be
 No. 735 lent, must be repaid either in Paper Money or Gold and Silver; if
 in the first Species, there will be so much the less, at either of the times
 of sinking Our Paper Money, in Circulation to be paid off, and consequently Our Fund will be (in Case of any Deficiency in Our Calculations upon which the Paper Money was struck) the better able to discharge such Money in Circulation; But if the Repayment of the Monies lent, should be in Gold and Silver, such Gold and Silver will the better enable the Publick to discharge the Paper Money in Circulation; so that in Either of the Cases, the Possessors of the Paper Money will have better Security and Expectations of having their

p. 24 Proportions paid as the Paper Currency Act directs, and consequently the Credit of Our Fund better supported, if none of the Monies, unappropriated to particular Uses and Purposes, be issued but on Loans, or be replaced, if issued otherways: And although We must own, the Paper Money has been formerly very liberally made Use of, and that this (if any Occasion) can justify Our further meddling with this Money, yet We ought certainly to take Care to replace it, which this Bill has not in the least provided for

We must further take Notice that this Bill directs Encouragements to Serjeants Corporals and Drumers, which We apprehend are improper in such Cases and impracticable at the times of Payment directed by the Bill

The Preamble to the last Clause (except One) which speaks of the punishment of those, who shall leave his Majestys Service, seems to clash with his Majesty's Authority established by frequent Acts of Parliament

The Bill directs the Bounty to be paid to Persons as soon as they shall be enlisted; This, We are satisfied must prove exceedingly prejudicial to his Majesty's Service; for it can hardly be imagined, but that such Money as soon as paid or spent, will forward, and not in the least restrain Desertions: And We are thoroughly convinced that nothing can more surely prevent the desired Levies, than the Clauses, which take Notice of Debtors; for if the Law be clear, that Enlisting is an Exemption, We ought not to alter or in the least restrain the Effect of the Law in this Case; But if that Point be doubtful, surely We ought not to resolve that Question, either by express or implicit Words, against such an Exemption, by a Bill which is to encourage the Levies; for you must without doubt be sufficiently apprized, from the Dispositions of Our Inhabitants, that very few people who are clear of Debt and live with any tolerable Ease here, will by any Motives even of Honour and Riches be influenced to this Expedition in the Station of common Souldiers

These Observations on Your Bill seem to Us so reasonable, that We question not but a full Conviction will arise from them in your Judgments of the Impropriety and Mischiefs of the Bill as it now stands, in relation to Our Dutiful Intentions to his Majesty; But as We can with much Truth assure you, not a less hearty Zeal in the common Cause of Our Sovereign and Country actuates Us than yourselves, We recommend to your Consideration some Points necessary for a Bill of the like kind, which, We presume, must be very acceptable to his Majesty in the present Situation of Affairs: And therefore That Every person listing as a Soldier should be privileged from Arrests for any Debt under ten Pounds Sterling

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That whatever Bounty should be thought proper to be given, should not be paid before the Time of Embarkation.

That no Bounty should be given to any Serjeant Corporal or Drummer

That whatever Bounty should be distributed, All or any Part thereof to be paid towards the Satisfaction of such Debts (if any) that the Souldier may owe

That such Souldier shall be exempted for ever or any determined time after their Return from all publick, County and Parish Charges whatever as also from the Necessity of attending on the highways

That Every Souldier either in marching or travelling on any part of his Duty or Service shall have his Ferriage free

That all the Money drawn out of the Office for the purposes of this Bill shall be replaced by One or more moderate Taxes or Assesments

Your Bill Entituled, An Act for raising three pence p hogshead on all Tobacco to be exported within the time therein mentioned for purchasing Arms & Ammunition for the Defence of this Province has the following Preamble Viz. "Whereas his Majesty Our most Gracious Sovereign is now engaged in a War with Spain, and that there are some Grounds to apprehend the Crown of France will joyn in the same War against him, who having large Possessions on this Continent adjoining to some of those of Great Britain, may in such Case very probably attempt an Invasion on some of his Majestys Colonies here, and lest the Magazines of Arms and Ammunition now in this Province, and the money heretofore and now raised by any ways or means whatsoever for the Defence of this Government, and the purchasing Arms and Ammunition, should prove insufficient for that Purpose at this important Juncture. We his Majestys faithful Subjects the Delegates of the Freemen of the Province of Maryland, in general Assembly convened, as well to testify Our Zeal for his Majestys person and Government, and to contribute as far as in Us lieth to the Success of his Majestys Arms, and against all Enemies whatsoever, as to put Ourselves in the best

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U. H. J. Posture of Defence we are able, against any such Invasion or At-
 Calvert tempt of the French or any Others" Although this Preamble con-
 Paper tains the strongest Reasons imaginable for Its Continuance to a
 No. 735 determined time, and to the End of the next Session, as Acts of the
 like kind have usually been for many years, yet this Bill is absolutely
 limited to September 1741: This Alteration, if proper at any time
 cannot be so now, when it is uncertain, how long Our War with
 Spain may continue, or how soon Another with France may begin,
 if not already proclaimed The Money now in hand from that Fund
 perhaps is not more than sufficient to provide such necessary Arms
 and Ammunition, as a prudent Caution in times of Peace (even
 against such like Conspiracys as have lately happened amongst Our
 Negroes) might require; And therefore not to say anything of the
 Motive of self Preservation, We cannot think this Bill corresponds
 with Our often boasted Loyalty: Should a French War break out,
 and Our Country be attacked, many Accidents in such Times of
 Confusion might prevent the Meeting of an Assembly And if even it
 should meet, any future Concurrence to a Bill of this kind cannot
 from present Appearances be certainly depended on; since it must
 be looked on as very remarkable and extraordinary, That an Act
 for Arms and Ammunition for the Defence of this Province was
 never so much opposed, as since Our Alarms and Apprehensions
 of a dangerous War; And if We are the least backward in con-
 sulting our own Safety and Defence, as well as we can, against all
 possible Accidents; would not Our Offer of furnishing Money to
 encourage Levies for his Majestys Service abroad be rather thought
 to proceed from a pretended Zeal than any true Principle of Duty
 to his Majesty^s Since it might be interpreted We did not think
 Our Preservation or Happiness consisted in any Defence against
 the French; And that the more Money and Men we spared for
 One Service the less we might have for the Other, and consequently
 this Province might be the easier Prey to an invading Enemy; in
 such Circumstances, however fortunate and safe the Roman Catho-
 licks or persons nearly attached to them or their Interests might
 imagine themselves, yet We are perswaded Every Friend to Our
 present happy Establishment must think on such a Situation with
 Horror

These Gentlemen are Our Real Thoughts and Apprehensions and
 these have determened us in a fixed Resolution not in the least to
 p. 27 weaken the Provision now subsisting by Law for the Security and
 Defence of the Province, which we think, as Affairs now stand,
 much too small and ought to be increased; And therefore We chuse
 rather to return that Bill for Arms and Ammunition with a negative,
 than by passing it, or any other at this Juncture, to forward the
 making a Session which must put an End to an Act of the like Kind,
 that otherwise will continue 'till a Session happens; for We think

it less dangerous to this Part of his Majestys Dominions, & more consistent with Our unfeigned Loyalty, and the true Interest and Safety of this Province, to be without a Session, than without the Act of Arms and Ammunition now in force, or another of the like Continuance

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But Gentlemen to give a further Proof that Our Intentions are equally earnest for his Majestys Service in other Parts, as well as in this Province, and to promote the Levies with as much Ease, and as little Burthen as may be to the People, we now propose, that, if upon Calculation there should be found Money in Bank arising from the Fund of Arms and Ammunition, sufficient as well to encourage the Levies ordered by his Majesty, as to purchase Arms and Ammunition for the whole Province, we will most chearfully dispatch any proper Bill for that Purpose Provided another Bill be sent to us for continuing the Law of Arms & Ammunition for three or any other Number of Years and to the End of the next Session

Signed p Order John Ross Ct Up H.

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment Present as in the Morning

Adjourned till to Morrow Morning ten of the Clock

Friday Morning 9th of May 1740

May 9

This House met again according to Adjournment Present as yesterday

A Bill from the Lower House by Mess^{rs} George and Rumsey Entituled An Act reviving and continuing an Act of Assembly of this Province Entituled an Act for the speedy Recovery of small Debts before a single Justice of the Peace thus Endorsed

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By the Lower House of Assembly 2^d May 1740

Read the first time and ordered to lye on the Table

Signed p Order M Macnemara Ct Lo H.

By the Lower House of Assembly 8th May 1740

Read the second time and will pass

Signed p Order M Macnemara Ct Lo H.

Read the first time in this House & Ordered to lye on the Table

Read the first time in this House the Bill Entituled an Act for ascertaining the Gauge of Barrels for Pork and Beef and the Nett

U. H. J. Quantity of Pork and Beef to be therein contained, and ordered
Calvert to lye on the Table
Paper

No. 735 A Bill from the Lower House by Mess^{rs} Denton and Thomas
Entituled An Act for the speedy and effectual Publication of the
Laws of this Province and for the Encouragement of Jonas Green
of the City of Annapolis Printer thus Endorsed

By the Lower House of Assembly 8th May 1740
Read the first time & ordered to lye on the Table
Signed p Order M Macnemara C^t Lo H.

By the Lower House of Assembly 8th May 1740
Read the second time and will pass
Signed p Order M Macnemara C^t Lo H.

Read the first time in this House & Ordered to lye on the Table.
Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment Present as
in the Morning
Adjourned till to Morrow Morning ten of the Clock

May 10 Saturday Morning 10th May 1740

This House met again according to Adjournment Present as
yesterday

p. 29 Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment Present as in
the Morning

A Message from the Lower House by Mess^{rs} Stoughton and
Sprigg

By the Lower House of Assembly 10th May 1740
May it please your Honours

Had the many Objections made in your Message of the 8th Instant
by Colonel Harris to Our Bill for issuing 2636:16:3 for Encourage-
ment of Persons enlisting themselves in his Majestys Service been
proposed as Amendments, or had you left us any room to expect
Your Approbation of it with such Amendments We certainly should
have concurred with many of them, and the Others by Conferences
or otherwise, might have been so accommodated as that the Bill might

have been agreed upon and passed Both Houses: But since you have been pleased, with your Objections, to give an absolute and general Negative to that and all Other Bills either of this or any other Kind, unless upon such Terms and Conditions, which, as they in no way relate to his Majestys Service, but are in Our Apprehension destructive of the Rights of those we represent, we cannot consistent with Our Duty to them or Ourselves come into; and therefore shall content Ourselves with telling you that We presume his Majesty would be much better pleased with something to be really done for his Service, altho attended with some Charge for Inconvenience to those who do it, than with the greatest Pretensions and highest Professions of Zeal for his Interest, tho dressed up in the most lofty Words and pompous Expressions

Your first and principal Reason for not concurring with the Bill for raising three Pence p hogshead for purchasing Arms and Ammunition, We perceive is, because it is not made to subsist for a determined time and to the End of the next Session after the End of that Time, so that had it been made to continue for any Number of Years, we find it would not have pleased Your Honours unless it were to have ended with a next Session of Assembly, which in Effect is making a Law that ought to be temporary in its Nature, perpetual, or at least to endure so long as any particular Branch of the Legislature thinks proper, tho contrary to the Inclination of the Others, and Interest of the Country

If the Constitution of Our Mother Country consisting of Three Branches is the best, this Province has endeavoured to follow that Example, and Every One of the least Penetration must allow, that unless Each of these Branches be independ^t and free from any compulsory Power of the Others with Respect to their Actions, the Benefit of such a Constitution is lost, and it must always be so, when any One of the three hold their Places at the Pleasure of any of the Others, or by the Enjoyment of Offices, or any other particular Engagement to Either of the Others, are thereby rendered more particularly subservient to it: And We think it is very obvious to Every One in the Province, as well as Our Neighbours, what use has been hitherto, and is still made of the Act subsisting for Arms and Ammunition having it's Determination with a Session, and that it has been kept on Foot, and We deprived of a Session of Assembly for the sake of that, and another Act of the like kind, on purpose to drive us into things which We think are inconsistent with the Interest of the Province

As it is uncertain how long War with Spain will continue, or how soon another with France may begin if not already proclaimed, had your Honours proposed the double or any other Sum larger than the three pence, that Our Trade could possibly bear, or had a longer Time of Duration been mentioned to the Bill, so as it had

U. H. J. a fixed Time of Determination, we would, and are now ready to
 Calvert agree to Either, as the Necessity of the present Juncture may require;
 Paper And as this must answer Every thing that can be said with Regard
 No. 735 to his Majestys Service or the Defence of the Province, we presume
 your insisting so strongly for a continuance to the End of a Session
 will be looked upon by the impartial World to be attended with
 Views foreign to Either, & therefore we must now plainly tell you,
 that since by dear Experience we have felt the ill Consequences of
 Money Laws, Ending with a Session of Assembly, that we are called
 and prorogued or dissolved from Year to Year, the Country bur-
 thened with immense Charges, Aggrievances and Oppressions daily
 exercised, without an Opportunity of Redress, and all to keep on
 foot a few Money Acts, in some of which particular Persons only
 have an Interest, we are, while we have the Honour to represent the
 People of Maryland, firmly determined never to assent to any Law
 of that kind with such an indefinite Determination as you contend
 for, and We hope, when we are discharged of the Trust, they will
 always find Representatives who shall firmly adhere to the same
 just Resolutions

It is very extraordinary and what will scarcely meet Credit from
 any One, that a People who enjoy the Rights and Priviledges under
 a British Government, would not upon the least Appearance of
 Danger exert themselves to the Utmot for the Preservation of those
 p. 31 Rights, or that a few Gentlemen of Our Upper House, whose In-
 terest and Views do not at all times seem to coincide with those of
 the people, should be the only Persons in the Government, who have
 any Regard for Its Welfare. No, Gentlemen, self Preservation is
 Principle natural to the brutal, as well as the rational Creation, and
 it is a wrong Conclusion that because this House refused a Tax for
 Arms when there was no Appearance of Danger, and when there
 was Money in Bank unapplied, sufficient for the then present
 Exigence, that therefore they would do the same when Danger ap-
 proaches or Money is wanting

The Meaning of what you say concerning Roman Catholicks or
 persons nearly attached to their Interest, We acknowledge Ourselves
 at a Loss to apprehend, we would hope that it is not intended to
 insinuate as if any of us were either Roman Catholicks, or attached
 to their Interest, and if it should, we despise the Imputation, since
 We are well convinced that Our Actions as well at this time as in
 former Assemblies, and Our Conduct in private Life will suffi-
 ciently testify the contrary. And altho his Lordship (as well as sev-
 eral of your Honours) has many Relations in the Country of that
 Profession, & has greatly intrusted his private Affairs in the hands
 of Gentlemen of the Romish Communion, yet that never raised in
 us any Jealousy of his Lordship, being well assured that the few
 of those People here amongst Us, have it neither in their Power
 or Inclination to disturb the Peace or Safety of the province

Your Proposal to dispatch a Bill for Encouragement of his Majestys Levies out of the Moneys arising from the Fund of Arms and Ammunition, when in the former Part of your Message, you tell us that perhaps the same Fund is not more than sufficient to provide such necessary Arms and Ammunition as a prudent Caution in times of Peace (even against such like Conspiracies as have lately happened among Our Negroes) might require, seems to us a little contradictory, and not altogether to testify that unfeigned Zeal so often boasted of in several Parts of Your Message for his Majestys Service.

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And notwithstanding the great Handle that has been made, and the Noise industriously spread over the province about Our negroes, We must say, that from all the Enquiry We have been able to make, we never could discover any thing which might in any Manner be presumed to endanger the peace or Welfare of this Province, especially since the very few who had dared to think of any such Attempt, by the prudent Care of the Government, have been already punished and suppressed

Signed p Order M Macnemara Ct Lo H.

Adjourned till Monday Morning ten of the Clock

Monday Morning 12th of May 1740

May 12

This House met again according to Adjournment

Present

| | | | |
|------------------------|---|------------------------------------|-------------------------------------|
| The Hon ^{ble} | { | Major Gen ^l M: Tilghman | Cot James Hollyday |
| | | Ward | Cot Charles Hammond |
| | | Benjamin Tasker Esq ^r | Cot Levin Gale |
| | | Philip Lee Esq ^r | Cot James Harris |
| | | George Plater Esq ^r | Samuel Chamberlain Esq ^r |
| | | Edmund Jenings Esq ^r | |

Mess^{rs} Smith and Weems from the Lower House attend with M^r John Brome a Member Elected for Calvert County in the Room of John Mackall Esq^r deceased, in Order to see him qualified, who takes the Oaths to the Government appointed to be taken by Act of Assembly and subscribes the Abjuration and Test according to the Directions of the said Act, and then withdrew

Cot Gale from the Committee to inspect the Accounts & Proceedings of the Commissioners of the Paper Currency Office brings in the following Report

At a Committee of Both Houses of Assembly appointed, to inspect the Office and Proceedings of the Commissioners for emitting Bills of Credit established by Act of Assembly;

U. H. J. April the 30th, 1740
Calvert
Paper
No. 735

Present

The honourable Levin Gale Esq^r of the Upper House

Cot Thomas Colvil M^r William Rumsey M^r Charles Hynson
Captⁿ Rich^d Caswall Captⁿ Tho^s Sheredine M^r Grun: Pemberton
of the Lower House

Who make Choice of the hoⁿble Levin Gale Esq^r Chairman and
p. 33 William Ghiselin their Clerk and agree to make the following
Report.

Your Committee have carefully inspected the State of the Office
for emitting the Paper Money and find the same in good Order, and
that the Comm^{rs} have, as was recommended to them, distinguished
the Interest received on Loans from the Principal Sums by a par-
ticular Account in a Separate Book kept for that Purpose, as also
the Office Charges and closed the Account of the Iron Chest

Ballance therein £5652:6:0 $\frac{3}{4}$

That there remains now in the Office unsigned Bills for
£ s. d.
5812:10:0 part of the 89990£ Principal Stock which makes the whole
Ballance 11464:16:0 $\frac{3}{4}$ as appears by the annexed Account

Your Committee further find that of the Twenty five Books of
Blank Bills mentioned in the last Report of the Committee of both
Houses to be in the Custody of the Commissioners to renew and
make good the torn and defaced Bills, the Comm^{rs} have emitted
One, containing 1250 Twenty shilling Bills in the Place and Stead
of that Book mentioned in the Report aforesaid to be Spoiled by
indenting with an Engine, and the said spoiled Book with the remain-
ing twenty four unsigned Books for renewing Money still continue
in the Office and are said to contain as follows

| | £ | s. | d. |
|--|-------|----|----|
| Two Books of twenty shillings Bills 1250 Each | 2500 | 00 | 0 |
| Three Ditto of 15 ^s Bills.....1250 Each | 2812 | 10 | 0 |
| Three Ditto of 10 ^s Bills.....1250 Each | 1875 | 00 | 0 |
| Four Ditto of 5 ^s Bills.....1250 Each | 1250 | 00 | 0 |
| Four Ditto of 2:6 Bills.....1250 Each | 625 | 00 | 0 |
| Four Ditto of 1:6 Bills.....1250 Each | 375 | 00 | 0 |
| Four Ditto of 1 ^s Bills.....1250 Each | 250 | 00 | 0 |
| | <hr/> | | |
| | 9687 | 10 | 0 |
| | <hr/> | | |

Your Committee further beg Leave to recommend the passing an
Act of Assembly to oblige the Comm^{rs} to reserve all Money that
shall be changed to be destroyed in the presence of a Committee of
p. 34 both Houses that no Frauds may be committed by remitting Money

changed in the Office; but humbly Submit the whole to the Consideration of Both Houses

W^m Rumsey Levin Gale
T Sheredine Tho^s Colvill
Ch^s Hynson Rich^d Caswall
G Pemberton

U. H. J.
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D^r

The Office for emitting the Paper Money of Maryland to 23^d Day of April 1740 inclusive

| | | | | |
|---|--|-------|----|--------------------------------|
| To Ballance stated 12 th April 1739 by a Committee of both Houses | | £ | s. | d. |
| | | 10166 | 11 | 4 |
| To principal Money paid into the Office on Loans from 12 th April 1739 to 23 ^d April 1740 including 94:8:10 Discount with Richard Francis | | 2693 | 18 | 10 |
| To Interest paid into Ditto in said time | | 597 | 00 | 0 |
| To Money paid into Ditto for Non Burners | | 4 | 15 | 0 |
| To Ditto paid into the Office by Charles Hammond Esq ^r Treasurer of the Western Shoar in Pursuance of an Act of Assembly made in August Session 1737 | | 599 | 05 | 3 ¹ / ₄ |
| To Ditto by James Hollyday Esq ^r Treasurer of the Eastern Shoar in pursuance of said Act | | 124 | 02 | 6 |
| To Money returned by Queen Anns County Justices | | 83 | 18 | 0 |
| | | 14269 | 10 | 11 ³ / ₄ |

Cr

| | | | | |
|--|--|------|----|----|
| By Money discounted with Richard Francis for Salary due before 12 th of April 1739 | | 94 | 08 | 10 |
| By Money paid M ^r Macnemara late Clerk for Salary due to him to 23 ^d August 1739 | | 86 | 13 | 4 |
| By Ditto paid the Commiss ^{rs} and present Clerk for their Salarys due to 23 ^d April 1740 exclusive of 40 ^s still remaining due to Capt ⁿ Gordon | | 313 | 06 | 8 |
| By Money lent on Interest since 12 th April 1739 | | 1593 | 02 | 0 |
| By Money paid for Annapolis Goal | | 500 | 00 | 0 |
| By Ditto for the Governors House | | 56 | 11 | 0 |
| By Ditto paid the Trustees for repairing the public Buildings in Annapolis | | 154 | 15 | 1 |
| By Office Expences as p ^t Account | | 5 | 18 | 0 |
| | | 2804 | 14 | 11 |

| | | | | |
|---|-------|----|--------------------------------|-------|
| Ballance remaining in the Office signed of the 89990 Pounds | 5652 | 6 | 0 ³ / ₄ | |
| Ditto unsigned of the said 89990£ | 5812 | 10 | 0 | |
| | 11464 | 16 | 0 ³ / ₄ | p. 35 |
| | 14269 | 10 | 11 ³ / ₄ | |

| | | |
|--|---|----------------------------|
| U. H. J. Mem ^d of Money appropriated but not applied To | | |
| Calvert the several Counties for Goals | } | 35:—:— |
| Paper | | |
| No. 735 To the Governors House | | 2291..7:4 |
| To the Publick Buildings in Annapolis | | 3:12:11 |
| | | <hr/> |
| | | 5795:00..3 |
| Remains in the Office unappropriated & unsigned | } | |
| of the af ^d 89990£ | | 5669..15.. 9 $\frac{3}{4}$ |
| | | <hr/> |
| | | 11464:16: 0 $\frac{3}{4}$ |
| Particular Account of Office Expences | | |
| To Patrick Creagh for work done to the Office & | } | £ s. d. |
| for Ink powder & paper for Office use | | 1:15: 6 |
| To John Thompson for mending the Office door | | 1:—:— |
| To Jonas Green for printing Advertisements | | 0:10: 0 |
| To Joseph Evitts for putting a large Lock on the | } | |
| Office Door | | 0:02: 6 |
| To Richard Burk for Books for Office use | | 2:10: 0 |
| | | <hr/> |
| | | 5..18: 0 |
| | | <hr/> |

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment Present as in the Morning

Adjourned till to Morrow Morning ten of the Clock

May 13

Tuesday Morning 13 May 1740

This House met again according to Adjournment Present as Yesterday

Mess^{rs} Pemberton and Wilkinson from the Lower House attend with M^r Robert Norrest Wright a Member elected for Queens Anns County in the Room of M^r Solomon Clayton deceased in order to see him qualified who takes the several Oaths to the Government p. 36 appointed to be taken by Act of Assembly, and subscribes the Abjuration and Test and then withdrew

The following Message is sent to the Lower House by Col Gale

By the Upper House of Assembly 13 May 1740
Gentlemen

We little expected from your Earnestness in sending up to us the Bill for issuing 2636:16:3 for Encouragement & immediately after

our Meeting, with a Message pressing us to dispatch the Passage of it, that you could have been so easy and contented in the Want of that, or some other Bill to the same Purpose, as you seem to be by your Message of the 10th Instant, where you make such Pretences for not taking further Notice of what we proposed in Our Message of the 8th Instant, as would hardly serve in an Affair of much less Consequences than this, where Our Duty to His Majesty, and the Honour and Prosperity of Our Mother Country are immediately concerned; You say "that had Our Objections been proposed as Amendments, or had We left any Room to expect Our Approbation of it with such Amendments, you would certainly have concurred with many of them, and the Others by Conference have been accommodated" the Reason of Our not amending your Bill we apprehend to be very obvious, in that the Bill was improper and mischievous to the Ends proposed in so many Parts, that Our Amendments or Observations sent to you would have made it a new Bill, and therefore We thought it would be less troublesome and more proper to frame a new Bill in your House, than amend that; for this purpose We sent you Our thought on the Subject, but you have not given us any Answer, whether they were satisfactory to you, or useful for a Bill of that kind; This Silence you thought yourselves under a Necessity of accounting for, which you endeavour at by insinuating "that We did not leave you any Room to expect Our Approbation &c because We gave an absolute and general Negative to that and all other Bills either of this or any other kind, unless upon terms and Conditions no way relating (as you urge) to his Majestys Service, but in your Apprehensions destructive of the Rights of your Constituents" We do not find on Our Journals that we have returned any other Bills except those for Arms & Ammunition, and for raising the 2636:16:3 at this Meeting with an absolute and general or any other Negative, and therefore, We cannot understand Your Meaning of Our having given Our Negative to that and all other Bills &c. As to the Terms and Conditions which you mention to be not relative to his Majestys Service, but destructive to your Constituents, we are really at a Loss to know what Terms and Conditions you mean; we have not insisted on any other Point than the Passage or Revival of the Bill for Arms and Ammunition for the Defence of the Province for a determined time and to the End of the next Session as usual; Surely you cannot (whatever you say) think, that Bill no way relates to his Majestys Service, or that it is destructive to your Constituents; On the contrary, the subject Matter of it concerns the Preservation & Defence of this Part of his Majestys Dominions, and the Lives and Properties of Our Inhabitants against Our Enemies and how such a Bill or the Continuance of it for a determined time and to the End of the next Session, or even perpetually, can be said to relate no way to his Majestys Service

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U. H. J. but to be destructive to the Rights of Your Constituents, you Gentle-
Calvert men can best clear up
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No. 735 You say very truly that Our first and Principal Reason for not concurring with the Bill for Arms &c was, because It ought to subsist for a determined time, and to the End of the next Session, and your Offers of the Alternatives which you make in Relation to that Bill without answering the Arguments We used in Our Message to support such a Continuance fully perswade Us that We were in the Right to insist on such a Continuance, and that you yourselves thought so; But your not agreeing to such a Continuance seems to arise from your Apprehensions that Acts made for a determined time, and to the End of the next Session although temporary Laws, might endure as long as any particular Branch of the Legislature thinks proper, This Reason, if good in this Case, may be so in Others, and perhaps for the future prevent the Continuance of any Law whatsoever by force of such a Duration contrary to the Inclination of any Part of the Legislature

p. 38 We must own several of us enjoy Places of Trust and Profit under the Lord Proprietary, from whence you would insinuate a very blameable Subserviency: Such Language is so common from those out of the Place to those in Place that It deserves no other Notice from Us, than that your often hinting at Our Places convinces Us that they are generally uppermost in your Thoughts, and that you are not so much displeased with the Places, as with Those that have them, which you no doubt think may be supplied with some more worthy Persons of your Acquaintance Although We are unwilling to own or agree with you in this, yet We really wish for the Quiet and Happiness of the Country, His Lordship had a few more Places worth the Acceptance of some other Persons besides Ourselves; We cannot comprehend what You would have Us understand when you talk "of being deprived of a Session for the Sake of the Act of Arms" &c. "and another Act of the like kind on purpose to drive you into things inconsistent with the Interest of the Province" when you may be pleased to explain the Particulars of this Assertion we hope to be able to give it an Answer, but at present this Art of dealing in Generals renders your Expression too mysterious for Our Capacitys

We are now come to the only thing you have hitherto agreed with us in, which is our Assertion of the Uncertainty how long War with Spain will continue or how soon another with France may begin if not already proclaimed And therefore you have declared Yourselves ready to agree either to a double or larger Sum for the Defence of the Province, or to a longer time so as there may be a fixed Time of Determination: Our Desires are too strong, that His Majestys Expectations of raising Forces in this Province for his Service may not be disappointed, to overlook these alternative Offers

from your House, nor can We now mistake Each Other, for Your Resolution is only to have a fixed time of Determination, and Ours, to have a proper Provision for the necessary Defence of the Province; but as We are desirous to make this Bill as easy as may be to the People and therefore unwilling to double or further increase the Duty as you propose, We rather chuse to close with you upon the Alternative of lengthening the Time, for which purpose we propose the Reviving the Act for Arms &c for Nine Years; so that you may have your wished for fixed Determination of this Act, & We hope the impartial World will be satisfied, that Our Views are not inconsistent with the Defence of the Province or his Majestys Service, for we plainly tell you, that we are only influenced to this Acceptance of your Offer by an Expectation that you will dispatch a Bill to encourage raising Forces for his Majesty's Service either agreeable to Our Plan, or any other which may be judged most effectual for the purpose; and shall be desirous of settling by Conference or otherwise any Difficulties or Objections which may arise on such a Bill

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We confess it is very extraordinary and what would not meet Credit from Ourselves upon less Proof than the printed Votes of the Lower House of Assembly that the Representatives of a People under the British Government would not upon the least Appearance of Danger exert themselves to the utmost for the Preservation of their Rights, and that your Behaviour at the last Meeting in May 1739 was not very different from this, your own printed Votes will shew, where it appears, that you first voted the Bill for Arms &c for the Defence of the Province to continue for three Years &c, and in the very next moment you voted the Bill should not pass at all; nor could the Upper House then prevail with you to revive that Act, and pray, were we not then under continual apprehensions of a dangerous War? Or had we Arms or Money sufficient for such Circumstances of time? It is true there was some Money unapplied, and it is necessary it should always be so, to supply any sudden and emergent Occasion, since that Fund raises so little annually: We doubt not, but that on a fair Examination of the Conduct of the Gentlemen in Our House, their Views Interest and Actions will appear in every other Instance as well as this to co-incide with the Good of the Province in a much more remarkable manner than the Behaviour of some who seem to think a sure Way to Merit is to use unbecoming Expressions

We are exceedingly surprised at the Warmth you express on Occasion of what we mentioned relating to the Roman Catholicks, if any Insinuation is raised of any of you being Roman Catholicks or attached to their Interests, It must have had its Rise amongst Yourselves, for Our Words do not express or imply any such thing,

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And we doubt not but the Roman Catholicks will on considering the words think, there is not the least Occasion of Offence given to themselves: Our Words are these Viz. In such Circumstances however fortunate and safe the Roman Catholicks or Persons nearly attached to them or their Interests might imagine themselves &c We do not expressly or implicitly by these Words charge the Roman Catholicks with any ill Action or Intention; but the plain Meaning is, that it is very reasonable to suppose Persons of that Communion and sincerely Zealous for their Religion (which is with such always preferred to every Earthly Consideration) would think themselves more fortunate and easy if their Religion was established here, thò even by a Conquest of this Province by the French, than any true Protestant could think himself in such a Situation; Had Roman Catholicks of such like Principles as have often been discovered in Plots against Our King and Mother Country, or any Persons known for Disobedience or rebellious Opposition to Our present glorious and happy Establishment in the House of Hannover given us the same Assurance, as you have done, of the Inclination as well as Power of the Roman Catholicks not to disturb the Peace or Safety of the Province under the present Circumstances of an impending War with France, and an Actual One with a Roman Catholick Prince who avowedly cherishes the Pretender and his Adherents, We could readily have accounted for such Declarations by imputing them to the usual Policy of endeavouring to draw us into a fatal Opinion of Security: But to have such Assurances from a Lower House of Assembly composed of Protestants and Loyal Subjects to his Majesty and true Friends to the Hannover Succession is really very unaccountable: The Parliament of Great Britain has been always so far from vouching for the Conduct of the Roman Catholicks at any time, and much less in the time of War with Princes of that Communion that the strictest Watch has been always had over them & their Actions, and even since our present War with Spain it appears by the Publick Prints in November last, that upon an Address of the House of Commons of Ireland a Proclamation was published by the Lord Lieutenant to seize all Arms Armour and Ammunition in the Possession of any Papist or reputed Papist: These Particulars we mention to satisfy you, that although we have not a less good Opinion than yourselves of the Roman Catholicks in this Province and of many in England in what relates to private Life, and even to many Actions in Publick Life, yet We dare not answer for their Conduct in any Affair where the Establishment of their Religion may come into Question

We hope you are already convinced of Our being in earnest to encourage the Levies directed by his Majesty, and we own Ourselves not sharp sighted enough to see the Contradiction, which seems to you in Our Offer of Part of the Fund for Arms &c. for we say, the

Fund perhaps is not more than sufficient to provide necessary Arms &c. but We tell you in the latter part that a Calculation may be made; and We cannot see where the Impropriety is of making a Calculation to know whether any Money can be spared from a Fund which Perhaps may not be sufficient for the Original Uses and Purposes, and Our Readiness to joyn in contributing such money as may be found on Calculation more than sufficient for such Purposes

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If any Handle has been made of the Conspiracy of Our Negroes to any other purposes than to discover and bring the Accused to a legal Tryal and Punishment, we assure you of Our being entirely Strangers to it, nor have we ever heard of any thing being industriously spread over the Province about it, except what tended to discredit the Opinion of the Romish Priests being concerned in it; by the several Informations taken by a Magistrate as well as by the Flight and Conviction afterwards of the Ringleader since executed for that Fact, we have not the least doubt of the Truth of such cruel Designs having been in Agitation amongst the Negroes, and whatever you may think of them, We cannot but be fearful of much Danger to the Peace and Welfare of the Province from such Number of Slaves as are amongst us, if we should not make proper Provision against their Attempts.

Upon the whole, Gentlemen, although we have at present a War with Spain, and you declare yourselves apprehensive of a sudden One with France, who has Settlements and Forts within less than Eight or ten Days March from Our Borders which lie exposed to every Insult or Attack, although by the Laws regulating Our Militia, there is not sufficient Authority to oblige the Service of any One in Defence of Our Country against an Invasion, although We have lately had a Conspiracy amongst Our Negroes, yet to Our great Amazem^t you would perswade us into an Opinion of Security: As for our Parts, your Indifferency at this Juncture requires from us more Vigilance and Care, & We are so thoroughly attached to the Duty We owe to his Majesty and the Country at this Juncture, that if We cannot procure some better Provision for Our Defence, We will not weaken what We have

Signed p Order John Ross Ct Up H.

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment Present as in p. 42 the Morning

Adjourned 'till to Morrow Morning ten of the Clock

U. H. J.
Calvert
Paper
No. 735
May 14

Wednesday Morning 14 May 1740

This House met again according to Adjournment Present as
yesterday

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment Present as
in the Morning

A Message from the Lower House by M^{rs} Calder and Colville

By the Lower House of Assembly 14 May 1740

May it please Your Honours

Whoever reads your Message to this House of the 8th Instant and Our Answer thereto may easily see how groundless it is to charge us with Coolness or Indifferency in what concerns Our Duty to his Majesty, and the Honour and Prosperity of Our Mother Country; and that It was from your Assertion not to pass any Bill whatever, unless that for Arms and Ammunition was made to end with a Session of Assembly, that we desisted proceeding any further on the Bill for Encouragement of his Majestys Levies, since for the Reasons mentioned in that Message of Ours we could not agree to any Money Bills having such a Duration; Your Words are "And therefore we rather chuse to return that Bill for Arms and Ammunition with a Negative, than by passing it, or any Other at this Juncture, to forward the making a Session which must put an End to an Act of the like kind that otherwise will continue till a Session happens"

We cannot find any Part of Our Message wherein it is said that the Bill for Arms and Ammunition in no ways relates to his Majestys Service, or is destructive to Our Constituents; we have indeed told your Honours that the making that or any other Bill of the like kind to end with a Session we have found by Experience to be hurtful, and cannot have any Relation to his Majestys Service, since the Alternative we propose must much more contribute to that Service
p. 43 than such a Determination possibly could do, nor can we agree with your Honours that the same Reason holds with regard to Laws of a different kind; It is well known Our Mother Country grants their Supplies annually, and increase or diminish them as they see Occasion, and the Reason why they grant them for so short a time and with a fixed Duration, we presume cannot be unknown to your Honours

The Use you are pleased to make of what we said of the Subserviency of One Branch of a Legislature to another, is very extraordinary, insinuating that We are only prompted by a Desire your Offices should be enjoyed by Others than Yourselves, although this be an odd Way of answering Facts, yet 'tis not new: It is thus,

that a devout Exercise of Religious Duties has by some been termed Enthusiasm, a rational Enquiry into the Grounds and Principles of Religion branded with Atheism and Free thinking, a people complaining of real Aggrievances have been called Male contents, and Persons exposing the oppressive Practices of Officers said to want the Offices for themselves; there is no way that we know of guarding against such Imputations but by Peoples sitting still and saying nothing, let the Occasion of speaking or acting be ever so great; however, that the World may judge of the Ground of what we have said in this matter, we beg Leave to put a Case which we hope can give Your Honours no Offence; Suppose then the noble Personages who compose the House of Peers in Great Britain, held their Seats there at the Pleasure of the Prince, and that he could place and displace them when he thought fit; Suppose them also possessed of all the Great Offices in the Government upon the same precarious Terms, could the people have any great Reason to boast of their Happiness in such a Constitution? Could that be called a free and independent Branch of the Legislature, who should keep a Ballance between the Prince on the One side and the People on the other? or could it with any Colour of Reason be said, that a House so constituted and so endowed, enjoyed all Freedom of Action, and was at all times clear from any Restraint? And although from his present Majesty's known Goodness, they could in such Case be in no Danger, yet what would not many Princes who have reigned heretofore have done with the Assistance of such a House of Peers? If this Case be applicable to any Part of Our Constitution then We p. 44 presume there is no Foundation for your Answer, but if on the other hand there is no Similitude between the Two, we shall allow the World has Reason to believe all we have said on that head has proceeded from no other Cause than the want of your Offices

If your Honours will be pleased to look again into Our Message you will find that we did not propose the Bill for Arms and Ammunition generally for any Sum, or for any Number of years with a fixed Determination, but only for such Sum as the Trade could bear, and for such a Term as the Necessity of the present Juncture might require, and therefore if you are so much influenced with Desires for his Majestys Service as you often express, we hope Our Offer of that Bill for Six Pence or any less Sum that may be thought needful instead of the three Pence, and to continue to the twenty ninth Day of September which shall be in the year of Our Lord God Seventeen hundred and forty two, will not be rejected, for that We think it much more conducive to that Service and Our Safety at this Time, inasmuch as greater Sums will thereby be raised in less time, and although that Duty will be higher than has usually been given for the same purpose, yet if the present Necessity be so urgent as you represent it, we hope the People will not be displeased with it, nor

U. H. J. is it to be doubted but the motives which induce us to this now, will
 Calvert equally operate on us or Our Successors if there be the same Neces-
 Paper sity at the Expiration of that Term
 No. 735

If your Honours shall think fit to accept of this Offer we shall prepare a Bill for that purpose and without Loss of time proceed to the Dispatch of the other Business, but if 'tis to be refused, and you persist in your former Resolution We pray you will advise us therewith, that an End may be put to Our Meeting and no more of the Countrys money, or Our time, spent to no purpose.

We will trouble your Honours no farther about Roman Catholicks than by saying that if there is any Apprehension of Danger from them, there are already many Laws in being against them, and We doubt not of the Care of the Government in putting them in Execution if there be Occasion; nor shall we be in the least backward in joyning in any other Law that may be thought needful to prevent any Danger from those People

P. 45 Your Honours We hope will excuse our not following you in every particular of your long Message, the principal Parts We think are answered and as the Supply we offer is more than heretofore has been usually given, so we hope it will be sufficient with the Arms already purchased and the Money in Bank, to enable us to defend Ourselves against Roman Catholicks, Negroes, or any other Enemies: And if you think that a Conference of both Houses may conduce to promote the Bill for Encouragement of his Majestys Levies, or to determine the certain Duration of that for Arms and Ammunition, and the Sum necessary to be raised, we shall readily agree to it

Signed p Order M Macnemara Cl Lo H.

Adjourned till to Morrow Morning ten of the Clock

May 15

Thursday morning 15 May 1740

This House met again according to Adjournment Present as yesterday

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment Present as in the Morning

Read the Petition of Charles Sewall the only surviving Exec. of the last Will and Testament of Nicholas Sewall late of S^t Marys County Esq^r deceased praying a Compensation may be made for a Tract of Land called Derby lying on Choptank River containing three thousand Acres taken away from his Testator by Act of Assembly Anno 1669 in favour of the Indians and which said Land is

still possessed by the said Indians; Referred to the Consideration of the Lower House of Assembly & sent by Col Hammond

U. H. J.
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The following Message is sent by Col Hollyday

By the Upper House of Assembly 15 May 1740

Gentlemen

It must be on reading the several Messages, that a Judgment can be formed, whether We had sufficient Reasons to mention your Indifferency, with Regard to the Duty we all owe to his Majesty and This Country; and if your first Unwillingness to pass, at this Juncture of a present War with Spain and an impending One with France, a Bill for Arms &c for the Defence of this Province for any longer Time than 'till September 1741; if your Readiness to answer for the quiet Behaviour of such, who were never imagined to have the most cordial Dispositions or Inclinations to Our present happy Establishment in Church and State; if your passing over, in so slight a manner as you have done, the late Conspiracy amongst Our Negroes, or the Reasonableness of making some better Provision against any of the like kind for the future; We say, if these Passages confirm your Care and Watchfulness for this Part of his Majestys Dominions, and our own immediate Preservation, we must own our Surmise of your Indifferency in these Points was groundless; but if they should be understood in a different Light, we hope, we shall be thought to have Reason on Our side, when we mentioned, that your Indifferency at this Juncture required from us more Vigilance and Care p. 46

It is true you did not (nor do we charge that you did) say in express Terms, " that the Bill for Arms &c did not in any Way relate to his Majesty's Service or was destructive to Your Constituents " But this you did say That " we gave an absolute Negative to That (meaning the Bill for Encouragement of Levies) and all Other Bills, except on such Conditions, which in no way related to his Majestys Service, but were in your Apprehensions destructive of the Rights of those you represent " In Answer to which We told you " that we never insisted on any other Point than the Passage or Revival of the Bill for Arms &c for the Defence of the Province for a determined Time, and to the End of the next Session as usually ": This Assertion was so true that it cannot be denied, nor indeed have you offered to deny it; and as you cannot gainsay but such an Act related to his Majestys Service in the Preservation of this Part of his Majestys Dominions as well as of the Rights of your Constituents; we should be very glad to know whether by unavoidable Consequence from your Words and the Condition or Point We only insisted on, you will not appear to have suggested, that the Bill for Arms &c for Defence of the Province did not relate to his

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 Majestys Service or the Good of the Country, as strongly, as if you had used the very Words; nor will Your Offer of the Alternative in the least alter the force of the Construction, which (as we have urged) must necessarily be put on your Words, tho It may (if adhered to) give us some Satisfaction with Regard to your Intentions

We are sorry you will disagree (without assigning any Reason)
 p. 47 with us in what is so plainly reasonable, as that, If the Continuance to the End of a next Session may make this Act of Arms perpetual by the Wilfulness of any Part of a Legislature not to pass any Law in order to prevent a Session; such a Continuance of other Acts may also make them perpetual, by a like Conduct of any Part of the Legislature.

We shall not presume, in this Question, to conjecture the Reasons which influence the Legislators of Great Britain in the Passage or Duration of any of their Money Bills; But we hope we may take Notice, that the many Acts of Parliament for raising Money by Duties or otherwise, for the uses of the Government and Nation, have various Terms assigned for their Continuances: The hereditary Revenue and some other Acts are perpetual, the Civil List is during the Kings Life, the Land Tax and Malt Act are annual, some Acts are for a certain number of years, But (what reaches Our Dispute) many Acts for raising Duties (and even some unappropriated at the Time of making the Acts) are for a certain Number of years and to the End of the next Session; for this purpose we think it not improper to referr you to the 12th Ann Cap 8 Sect 2^d for a Duty on Tobacco for five years and to the End of the next Session 8th Will 3^d Cap 20 Additional Duties on French Wines for 21 years and to the End of the next Session 20 Car 2^d Cap 5. 7. 8 Will 3^d Cap 36 & 1 Ann Cap. 13 Duty on Leather exported for 5 years &c 18 Car 2^d Cap. 5 1st Geo: 1 Cap 43. 9 Geo 1 Cap 19 & 4 Geo: 2^d Cap. 12 for encouraging of Coynage 2^d Geo: 2^d Cap. 17 Duty on Compound Waters Spirits &c 2^d Geo 2^d Cap. 28 Copper Oar made an enumerated Commodity and 6th Geor 2^d Cap 13 & 11 Geor 2^d for Duties on Sugar Rum & Molasses; By these Acts Gentlemen you will perceive such a Continuance, as we have insisted on, is not unusual in Money Acts of Parliament

In the long Paragraph where you State a Case about the House of Peers with many Arguments relating to it, your own Conclusion gives a plain Answer for you say, that, if this Case (the Case of the House of Peers) be applicable to any Part of Our Constitution,
 p. 48 then you presume there is no Foundation for Our Answer, but if on the other Hand there is no Similitude between the Two, you shall allow the World has Reason to believe all you have said on that head has proceeded from no other Cause than the want of Our Offices: we presume you would not liken this House to a House of Peers or allow the Members of it any of the Privileges of Lords of Parlia-

ment; And we hope, no other Part of the Legislature will assume a Parity between themselves and the Lords of Parliament, so that your Case is not applicable, & consequently from your own Concession, what you have said has proceeded from the want of Our Places: But further, Gentlemen, you will be pleased to consider, that your Objection of Our Dependency, because we are removeable, reflects on the Wisdom and Prudence of the Constitutions of the legislative Powers in Every of his Majestys Plantations, where (except Pensylvania) we have always understood there are Councils with the Power of a Negative on all Bills, and that the Members are removeable at the Kings, and to be suspended at the Governor's Pleasure; And as to the Places we presume the same Qualities of Integrity and Ability which recommend Men to a place in an Upper House or Council, renders them also worthy of the best Places in the Government: But were we to come to a strict Consideration of the Difference between Our Legislative Constitution and that of Great Britain, It would be obvious that it principally arises from the Nature of dependent and independent Government And if the several Branches of the Legislature would on all Occasions keep this Dependency in their Eye, they would certainly be more easy amongst themselves, and less troublesome to Others; since they must be sensible, their Sovéreign is the Judge, and will never approve any Behaviour or Act of the Legislature or any Branch of it, for any other Reason, than that of it's being just and reasonable

We have looked again into your Message and find the Proposal of your Alternatives in these very Words Viz. As it is uncertain how long War with Spain will continue, or how soon another with France may begin if not already proclaimed, had your Honours proposed the double or any other Sum larger than the Three Pence, that Our Trade could possibly bear, or had a longer time of Duration been mentioned to the Bill, so as It had a fixed time of Determination we would and are now ready to agree to Either, "as the Necessity of the present Juncture may require" Has not the Delay not only of this Bill, but of all Other Business been entirely occasioned by the Disputę between the Two Houses, whether this Bill ought to be continued to a determined time, or to the End of the next Session; Have you not by the above Words of your Message expressly declared your Readiness to agree to Either of the Alternatives, so that the Bill might have a fixed time of Determination; Is there any time mentioned to which you limited Our Choice of a longer Time? No Gentlemen, the only Condition you then insisted upon with Regard to the Continuance of the Bill, was a fixed determined time, and now, after that we have closed with you upon your own Proposal, and named nine Years for a Continuance, you tell us, (even against the very Face of the Message, which you

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desired us to read over again) "that you did not propose the Bill for Arms &c generally for any Number of years with a fixed Determination, but only for such a Term as the present Juncture may require" But should your own Interpretation be put on these Words, you have not urged One Argument or alledged One Reason to shew, that the Necessity of the present Juncture of Affairs does not require the Continuance of nine years, nor indeed can you with any Consistency to your former Admission make any pretence against the Length of Time, for by the above Words extracted from your former Message, you agree with us, "that it is uncertain how long War with Spain will continue, or how soon Another with France may begin" And if We are in such a dangerous State of Uncertainty, how can the Term of Nine years be said to be too long for a Fund, which does not raise 300£ Sterl p Annum clear of Deductions for Arms &c for Defence of the Province: Although, Gentlemen, you despair of the Goodness of any Arguments to convince us, that the Necessity of the present Juncture cannot require Nine years Continuance, yet as you found, by offering to Our Choice the Two Alternatives, you could draw Us from Our Resolution of adhering to the next Session, you now expect by throwing

p. 50 the Bait (as you imagine) of Six Pence or any lesser Sum (Greater we suppose you meant) for Two years in our Way, we shall surely swallow it: But we plainly tell you we cannot accept what you mention for many Reasons: In the first Place as there ought to be a Consistency observed in the Behaviour of the several Branches of the Legislature, we cannot think but, that, tho from our dutiful Regard to his Majestys immediate Service in raising Forces, we were prevail'd with to recede from our first Resolution and accept one of your Alternatives, yet if we should now relinquish our Choice we might be thought too unstable in our proceedings, and never know where to stop In the next place how can we be sure you are in earnest? We thought the greatest Reliance might have been had on your Compliance, without the least Hesitation, to any choice we should make of the Alternatives But we are taught by Experience not to be too credulous, but to persist in what we have so reasonably fixed on: And there is a further (and of it self) a sufficient Motive, why we should not shorten the nine years by any Abatement whatever, and that is, the certain Testimony you have given us at the last, and this Meeting of the Assembly, and now again by your new Offer of Two Years, that your only aim is to procure, upon any Terms, that Law for Arms, &c^a for the Defence of this province to be totally dropt; we are so fully perswaded of This, that we cannot doubt you might be induced to give any greater Sum whatsoever, or lay any greater Load on the People, so as you could compass that Design; This Earnestness of yours must be a very great Surprize to every one, since the Money appropriated to be raised by that Act

is to such a laudable Purpose, as the Defence of the Province; The Sum arising thereby so far from being more than sufficient, that many Accidents may happen that will require a much greater Sum and the manner of raising the same at present so little Burthensome, that it is not felt: But we have (besides our other motives) more regard to the Satisfaction and Ease of the People, as well as to the Continuance of such a Law, than to consent to any greater Imposition on Trade, for the People might then feel a Burthen, and the Merchants might perhaps be influenced by such who wish a Destruction to the Law, to apply for a Dissent: We shall only further add, that it is not suitable to the Characters of Legislators, to play at fast and loose which you now attempt, by first offering two Alternatives to Our Choice, we fix upon One, and then you tell us, no, you shall have the Other: But to put an End to this Matter, we repeat Our Resolution not to depart from our Choice of nine years, upon any other Terms than your Consent to a number of Years and to the End of the next Session, so that now we return the Compliment of a Choice; and we assure you that which ever you may think fit to choose, we shall not tell you our pleasure to be, that you should take the other

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Since you assert, that there are many Laws in being against the Roman Catholicks, we shall sincerely take it as a very particular Favour, if you will be pleased to acquaint us, what Laws you apprehend to be in Force here against Roman Catholicks: If you should be unwilling to gratify us with this Information your mention of Laws in Being may seem to be thrown in order to prevent any being made, tho' you declare yourselves not backward in making Laws for that purpose

To Conclude with your Request of a Conference, we answer, that you have now fully our Resolution with Regard to the Bill for Arms &c^a But if you think his Majestys Service or the Safety and Happiness of the province can be in any manner promoted by a Conference we do most chearfully agree to it

Signed p order. John Ross Cl Up Ho.

Adjourned till to morrow morning ten of the Clock.

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Friday Morning 16th May 1740

May 16

This House met again according to Adjournment Present as yesterday

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment Present as in the Morning

The following Message is sent by Edmund Jenings Esq^r

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By the Upper House of Assembly 16 May 1740

Gentlemen

As the Journals of the Upper House are now fairly transcribed in five Books prepared for that purpose by the Clerk of this House, we hope he will be allowed a reasonable Satisfaction for the same as agreed to by Both Houses in 1735

Signed p Order John Ross Cl Up Ho.

Adjourned till to morrow Morning ten of the Clock.

May 17

Saturday Morning 17th May 1740

This House met again according to Adjournment Present as yesterday

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment Present as in the Morning

A Message from the Lower House by M^{rs} Carrol & Matthews

By the Lower House of Assembly 17 May 1740

May it please your Honours

p. 53 We certainly should not have troubled your Honours with any further Messages, which seem to answer no other Purpose than to protract Our Time of sitting and run the People into immense Charges without the least Prospect of Advantage to them, had not there appeared some Mistakes or Misapprehensions in yours of the fifteenth Instant by James Hollyday Esq^r which We could not well pass over lest the so doing should be taken for a Submission to what is far from our Thoughts, and cannot be gathered from any part of our Conduct

There is it seems little probability of Your Honours and Our Agreeing in many facts, if the Intercourse was to be Carried a much greater Length, and therefore the whole must at last be left to the Judgment of the World

It has been frequently mentioned by your Honours and not Gain-said by this House, that there is a War with Spain and an impending one with France, that there has been a Conspiracy among some negroes, and that there are some of the Romish Perswasion amongst us, who have not the most Cordial Dispositions to our happy Establishments, We must therefore leave it to those who can Judge Impartially of the thing, whether our offering a Bill for raising Six Pence per Hogshead for Purchasing Arms and Ammunition or any

lesser Sum as the Exigence of our Case may require, for one, two, or three years, with an Assurance of renewing it, and enlarging or lessening the Sum if there should be occasion, or your Insisting on three pence only for nine years, or for three and to the end of A Session, bespeaks the greatest Care of this part of his Majestys Dominions, or the most Impartial views towards the Safety of the province at a time of Impending Danger. And whether Our readiness to raise a supply for the Encouragement of Freemen to Inlist in his Majestys Service abroad, or your Entire refusal of it, unless at the same time you could obtain the before mentioned Bill for Arms &c with your beloved termination of nine years or a Session of Assembly, Argues the greatest Zeal for the Success of the British Arms

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We pass by your Charge of having Implicitly Asserted the Bill for Arms &c to have no relation to his Majestys Service, and shall lett the Messages speak for themselves, with this short Observation, that it is hardly possible to write or say any thing, but what by such strained constructions may be Wrested into what the Authors never Intended, and we wish something of the kind may not be Imputed to Your Honours in this and some other of our debates. p. 54

You might have spared the Trouble of giving the long detail of Statutes to shew there are Duties in Great Britain laid for a number of years and to the end of a Session, it is sufficient for our purpose that, that Duty which is the most Essential for the Safety and Defence and Support of the Government and without which it could not Subsist, is, and we presume has been ever since Britain cou'd call themselves a free People, given from year to year only. They have always looked on annual Sessions of Parliament to be necessary, and we, (whatsoever may be your Honours Sentiments) have the same way of thinking about our Assemblies; And therefore in our present Situation, when his Lordship takes the money for Support of Government under Colour of a perpetual Law, and settles Officers Fees by Ordinance or proclamation, What has the People left them but this one Bill to procure them frequent Assemblies? Our Duty requires us to act with a View as well to Our Posterity as Ourselves, and allowing his present Lordships his Governors and Ministers Dispositions to be as good and Candid as you shall please to call them, Yet can any of them answer for their Successors? and should ever the Province be so unhappy as to be ruled by a Proprietary or Governor who should Aim at Arbitrary Power and Oppress the People, what remedy could they have when no means are left them of procuring Assemblies? how could Aggrievances be Inquired into, oppressions and Extortions suppressed, new Laws made, or old ones revived? Would not such a proprietary or Governor as he had nothing to ask of an Assembly, keep the People always without one, these things, affect your Honours, who have large

U. H. J. Estates and may expect to leave Posterity in the Country, equally
 Calvert with us and Our Constituents, and should private Interest or any
 Paper other temporary Views Influence you not to join with us to prevent
 No. 735 such Mischiefs as possibly may happen, yet we are determined not to repeat the Evils arising from either the too long, or the uncertain duration of any money Bill reserving still a due Regard to any particular Exigence, the certain duration and short Continuance of this

p. 55 Bill, being now the only means left us, Whereby we can have any Assurance of frequent Assemblies, And we are still the more Induced to this from the fatal Experience of being kept without a Session of Assembly for near three years past (altho the Circumstances of the Province never more required one) meerly for the sake as you pretend of this one Law, with the Clause of ending with a Session put to it at the last revival in 1734 When all the former Laws since his Lordships Accession to the Government, whereby this three pence has been given, have not had duration above three years and always ended at a certain day, altho' your Honours have not stuck to say that the manner of Ending with a Session has been usual

Would it not be dealing more Ingeniously with the World to declare the Real Obstacle of your not agreeing to a Session, than the plausible pretence of the three pence per Hogshead alledged to be so necessary for the Safety and Defence of the province, and endeavouring to make Strangers believe, that the Country must Perish without it? If this be so, Why has that money for these last seven years, to go no farther back been hoarded up at London to a great Sum? And in all that time not much above the value of one years receipt laid out or Imported for our Safety? How can it be answered for, that after so long an Apprehension of a rupture, Application has not been made of that money, till an Actual War is broke out, and our Enemies as you say, within Eight or ten days march of us? And when the Arms sent for are in danger of being taken by them, and We of being destroyed with the produce of our own Money? not to say any thing at this time of the fourth part of what his Lordship has for some years taken for Support of Government, which by the Act under which it is claimed was Intended and by express Instructions from the Throne in the time of the Crown Government, was actually applied to the same use, altho' his Lordship has never parted with one farthing of it that we know of for that or any other purpose that concerns the defence or Safety of the Province

p. 56 Your Honours surely could not be in Earnest when you drew your Consequence from the Case stated about a house of Peers, we in very express terms said, that if there was any Similitude between your House and the other (not that which now composes a Separate Branch of the British Legislature but such a dependent house as was

mentioned in the Case) then there was no foundation for the Answer you gave, and you in your last Message say that because you cannot be likened to the present House of Peers, therefore your Answer is just from our own Conclusion: It had been well for the sake of your Honours this Paragraph had been omitted, least the Publick should say that this Indirect Answer proceeded from an Impossibility of giving a better

Altho the Council in some other Plantations may be appointed by the King and Removeable by the Governors yet we have been Informed that, unless in some especial Cases, they are Incapable of holding Offices while they have a Share in the Legislature, and with good Reason we may be allowed to say, that there is a wide difference between the Appointment of the King, who can have no view but what concerns the General Welfare of his People, and that of a Proprietary or a Governor, whose private Interests frequently Clash with that of the Community, nor was it the dependancy of this and all the other Plantation Governments, on that of Our Mother Country which We hinted at, but the Subserviency of any one part of our Legislature to another

It is needless to dwell upon the offer we made of the Bill for Arms &c to determine at a certain day it is Clear from our words that we proposed the time of duration should be proportioned to the necessity upon which your Honours immediately took upon you the sole Right of Judging of that necessity and so set down nine years; It might be presumed Reasonable that we should have some share in that Consideration, and the nature of Our proposal was such, that by Conference and mature deliberation of both Houses, the time of Continuance might have been agreed upon, otherwise you might have made it ninety nine or any greater number of years.

We deny the Intention of totally dropping the Law for Arms so long as there shall appear any necessity for keeping it on foot, and Assent it to be Our Undoubted Right, as the legal representatives of the People, to Judge of that necessity, the sums requisite to be raised, and the time of Continuance

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As to your great Care of not burthening the Trade or putting the Merchants to procure a dissent to the Law if it was for more than three pence, we can only say, that Duties amounting to Six Pence have not long since been on our Tobaccos with the present Imposts and yet We never then heard any Complaint from your Honours or the Merchants about it

We have no great Reason to believe your Honours will take Our Words concerning the Extension of the Laws against Papists to this Place however we refer you to an Act of Assembly of Our own Whereby another made to prevent the Growth of Popery is repealed, and in which you will find that the Principal reason for that repealing Act, is said to be "for that by One Act of Parliament made in the

U. H. J. Eleventh and Twelfth year of his late Majesty King William the
Calvert third chapter the fourth there is good Provision made to prevent the
Paper Growth of Popery as well in this Province as throughout all other
No. 735 his Majestys Dominions and that an Act of Assembly of this Province can in no way alter the Effect of that Statute

To Conclude We now assure you, that whatsoever your Answer may be to this, we shall trouble you with no more long Messages; And if you shall think fit to recede from the Resolution of not accepting the Bill for Arms &c otherwise than for nine years or to the end of a Session, we do here offer you that Bill for any Sum not exceeding Six Pence per Hogshead, and for any certain time not above Three years, And if you will consent to a Conference to settle the sum and time, as also to agree upon the Heads of a Bill for Incouragement of his Majestys Levies, we shall Immediately appoint some members of our house for that purpose otherwise our business seems to be at an End

Signed p Order M Macnemara Ct Lo Ho.

p. 58 Adjourned till Monday Morning ten of the Clock

May 19

Monday Morning 19 May 1740

This House met again according to Adjournment

Present

| | | | |
|------------|---|----------------------------------|---|
| The honble | { | Major General Ward | Cot Charles Hammond |
| | | Benjamin Tasker Esq ^r | Cot Levin Gale |
| | | George Plater Esq ^r | Cot James Harris |
| | | Edmund Jenings Esq ^r | Sam ^l Chamberlain Esq ^r |
| | | Cot James Hollyday | |

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment Present as in the Morning

The following Message is sent by George Plater Esq^r

By the Upper House of Assembly May 19, 1740
Gentlemen

We, who are desirous and careful of avoiding Mistakes and Misapprehensions, must always be pleased with having them rectified; But whether your last Message was useful and necessary to that purpose will perhaps appear from the few observations we now make of it.

We shall as you have done, wave the mention of many Facts, especially of such as make but little or nothing to the Question between us, as whether the Law of 1734 was the only Law ending with a Session, and other Facts of the like Nature, where as you say, there is so little probability of our Agreement

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That we may not be supposed to misrepresent you to those impartial Judges to whom you appeal in the third Paragraph we here insert what you say in your two Branches of that Appeal, the first runs thus viz. "Whether your offering a Bill for Raising Six Pence per Hogshead for Purchasing Arms and Ammunition or any lesser Sum, as the present Exigence of our Case may require for one, two or three years, with an Assurance of renewing it and enlarging or lessening the Sum if there should be Occasion, or our insisting on Three Pence only for nine years, or for three and to the end of a Session, bespeaks the greatest Care for this part of his Majestys Dominions, or the most impartial views towards the Safety of the Province at a Time of Impending Danger? The second part is to this Purpose viz. "And whether your readiness to raise a Supply for the encouragement of Freemen to enlist in his Majesty's Service abroad, or our intire refusal of it, unless at the same time we cou'd obtain the before mentioned Bill for Arms, &c. with our beloved termination of nine years, or a Session of Assembly, argues the greatest Zeal for the Success of the British Arms?" as to the first we cannot on perusal of your Messages, discover the least mention before now of Three Years, or the Assurance of renewing that Bill, which you are now pleased to give: We hope, Gentlemen you did not imagine it possible to mislead your impartial Judges or ourselves, by this Assurance into a false opinion of your care for this part of his Majestys Dominions; can you assert that such an Assurance can oblige any succeeding Assembly to renew that Act, or that such an Assurance is of the same Effect with an Act? If it can tie any future Lower House, what difference is there between binding them by An Act, and such an Assurance, and why should not an Act be now made for as great a length of Time, as any Revival or such an Assurance may carry it? Especially since you have not offered one Reason in any of your Messages, to shew the present Occasion and Circumstances may not require a nine years Continuance: But if your present Assurance may be disregarded by a future Assembly, your Impartial Judges must conclude that Assurance is only made use of for an Amusement, and that you can as little Answer for your Successors as in another part of your message, you think his Lordships Governor or Ministers can answer for theirs; In the second Branch of your Appeal, you seem to have recollected the Bill for Encouragement of Soldiers (which we thought by your two preceeding Messages had slipt out of your memory) only on purpose to put our Behaviour on that Bill, in a wrong light, for we formerly

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U. H. J. Calvert Paper No. 735 intimated to you our then and present Opinions "that if we were in the least Backward in consulting our own Safety as well as we could against all possible Accidents, our Offer of furnishing Money to encourage Levies for his Majestys Service abroad, would be rather thought to proceed from a pretended Zeal, than Duty to his Majesty, since it might be interpreted, we did not think Our Preservation or Happiness consisted in any Defence against the French, and that the more men and money we spared for one Service, the less we might have for the other, and consequently this Province might be the easier prey to an invading Enemy;" And further Gentlemen you will be pleased to remember, that for the sake of a Bill to encourage the Forces, we receded from our first Resolution and made choice of one of your Alternatives.

Our mention of the Statutes was to shew (what cannot be desired) that Money Acts of Parliament were often limited to a certain Time and to the end of the next Session; and in order to evade the Force of our Applying the Usage in such Acts to this Bill, you would liken this Bill to some Acts of Parliament, without which you say, the Government of Great Britain could not subsist, and from thence conclude, that the necessity of this Act for Arms &c. if limited to a determined time, might secure the frequency of Assemblies, as some Acts of Parliament make Annual Sessions of Parliament necessary: Indeed Gentlemen, whosoever believes or can be perswaded that your Comparison is just, knows very little of
 p. 61 our Constitution; Surely this Government can, as long as this Province is safe subsist without this Act, how does this Act relate to this Government either in time of Peace or War, any otherwise than as it furnishes this Government with some money for its Defence and our common Preservation, whenever Occasions may require the use of it; This Governm^t has not any number of Soldiers, Guards or Garrisons or Navy to maintain in times of Peace; and therefore if you would really Convince any Person of the Justness of your Reason, you must shew that the Purposes, to which the Government applies the money arising from the Act of Arms; &c are so absolutely necessary to the Being or Support of the Government, independent of the necessary Defence of the Province, as that they cannot be without it; a Proof of this you have not attempted, for it is very well known this Government does not make use of that money, but really (as you say) has hoarded it up, (and we think it wisely) for such like Exigencies as the present Appearance of affairs threaten us with; Before we leave this Point, let us consider it even in your own light; if such An Act is so absolutely necessary (as you pretend) to the Being and Subsistence of the Government, our Attachment to it can be no Surprize, nor unreasonable, especially when under the Alarms of a dangerous War last Year, you absolutely refused to revive it.

You complain of being kept out of any Session for Three Years past, meerly upon pretence (as you say) for the sake of this one Law; Pray, Gentlemen, what Foundation have you to urge, that we ever made such a pretence? This we positively deny, and we further tell you, that it is notorious, the Assembly in 1738, was Prorogued and afterwards Dissolved on account of a Difference which prevented an Intercourse (as things then stood) between the two Houses; it is true the last meeting of Assembly in 1739 did end without a Session principally because you would not pass A Bill for Arms, &c and we are satisfied your Refusal at that Juncture will lay the blame of no Session on the proper Persons; so that only one Year and not three years, has yet passed without a Session on account of that Bill, and your own Journals will shew that we have not lost one Act of a publick nature by there being no Session at those two meetings (except a Bill that was brought in relating to Pork) for all such Acts still do and will Continue in Force tho there shou'd be now no Session, but if there had been more Laws lost, that might have been really useful to the Country, it must and ought in Justice solely to be imputed to your House, who chose to expose the Country to any Inconveniences rather than continue the only Fund established for it's necessary Defence and Security

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You insinuate as if there were some other real Obstacle or not agreeing to a Session than the plausible Pretence of Three Pence per Hogshead; we are glad you will allow it a plausible Pretence, but we do most solemnly and sincerely assure you, and all those Strangers you speak of, that our true and only motive of not passing any Bill, is, lest a Session should be made and the Act of Three Pence for Arms &c should be dropt, and the Country be left destitute of the least Supply, perhaps when a War with France and Spain, by being continued longer than the time to which you limit the Bill, may require the greatest Fund we can raise for our defence; and of this Truth we doubt not you are convinced, otherwise you would have acquiesced with our Choice, if for no other Reason but to discover the Obstacle you hint at, and which you do not care to name; and this brings us to tell you why that Money has been hoarded up (as you call it) at London for these last seven years; you are sensible this Act can raise (*communibus Annis*) but about 300*l* Sterling per Annum; If this money should be disposed of as fast as this Act raises it, there would not be till the end of the succeeding year, any money to supply any immediate necessary call in the Intermediate Time; besides the Annual Sum would certainly be too little for many sudden emergent occasions which might immediately require a large Sum of Money for our Defence Further you must allow that had the Money now in Bank laid out in Arms and Ammunition although we should perhaps have had many more Arms, and a

U. H. J. much greater Quantity of Powder in Store yet notwithstanding all
 Calvert imaginable Care (which has been the greatest that cou'd be taken
 Paper in this Province) many of such Arms and a great deal of the Powder
 No. 735 would have been, as what we have now are, (if not entirely) yet
 p. 63 more unfit for Service, than new Powder and arms; and surely there
 is very little Reason to reproach those who are intrusted with the
 Disposition of that Fund, with husbanding or even hoarding it up
 (as your Phrase is) in London, ready for such dangerous occasions
 as may require a large Sum of Money; and it is entirely owing to the
 necessity of applying it to sudden calls that the moneys always lie
 dead in the Merchants Hands without any Interest, since none can
 foresee how soon or suddenly it may be wanted: The Reasons we
 have given for hoarding (your beloved Phrase must be omitted)
 the money will we doubt not, justify us to every unprejudiced and
 reasonable Man, as well as prove that you are determined to Con-
 demn our Conduct at all Events; you have heretofore gone so far
 as even to charge us with embezzelling 2500£ part of this Fund and
 this Charge remains in the Printed Proceedings of the last Con-
 vention, you have had sufficient time to examine this matter, and we
 suppose you have done so; if you have, you must be convinced of
 the Injustice of your Accusation, tho' you have not had Candour
 enough to make a bare acknowledgment that you have been mis-
 taken; such an Acknowledgment tho' but an Act of Justice is too
 great a Favour for us to expect from you: Whatever that money is
 which you insinuate his Lordship takes for Support of Government,
 we suppose it makes a part of the Complaint you expect to be
 redressed by his Majesty, and therefore we shall only say, if that
 Affair was not likely to come under another Examination we should
 be ready to shew your Claim to any part of that money to be
 Groundless

Our Earnestness on the Case you stated, was owing to your
 mention of the House of Peers between whom and any Parts of this
 Legislature there can be no just Comparison

The Information you have had of any Incapacity of the Council
 p. 64 holding Offices (except in some especial Cases) in other Planta-
 tions, while they have a Share in the Legislature, we have Reason
 to be assured is wrong, what (if any) particular Offices they may
 be incapable of we cannot pretend to say; But we are greatly de-
 ceived, if the Offices of Receivers General, Auditors, Secretary, and
 Judges, with considerable Salaries and Perquisites, and other
 Offices are not enjoyed in his Majestys Plantations by Gentlemen
 of the Council, who have a Share in Legislation; and it is most
 certain the general Welfare of the People is so much the Duty and
 Interest of a Proprietary, that it is hardly imaginable it can ever
 be out of his View; though the contrary may be as easily and warmly

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alleged against a good Proprietary as has been in every Age insinuated against good Kings: but however we doubt not of your agreeing with us that Clamours of Aggrievances & Oppressions are not confined Solely to Administrations of Government by a Proprietary

Since what we said of the Difference of Dependent and Independent Governments accounted for that Subserviency, which you objected to any one part of the Legislature in a dependent Government, it sufficiently proves that whatever Fault you found with our Constitution in this respect would reach all the Plantations

We shall only hint that the Act of Will 3 Cap: 4 has not been always looked upon to extend here, for we are informed that a cause of Brook and Cole was determined not many years ago in the Provincial Court against the Penal Statutes mentioned in that Act

And now, Gentlemen, to close our Altercations by Messages on this Bill it remains for us to say, that as you have given us a Choice of two Alternatives, one of which we have chose, and given you in a former Message our Reasons for not taking the other, and as you have not attempted to shew that our Choice of nine years (tho one of ninety nine as bearing no proportion to any supposition of the Continuance of the War would be) too long or that the present Exigence may not require it; We hope you will not think we were immoderate in the Length of time which we cannot depart from: But since you desire a Conference this House has appointed the Honourable Benjamin Tasker, George Plater and Edmund Jenings Esq^{rs} to join such Members as you may be pleased to appoint of your House in a Conference

Signed p Order John Ross Cl. Up. Ho.

Adjourned till to Morrow Morning nine of the Clock

Tuesday morning 20 May 1740

May 20
p. 65

This House met again according to Adjournment Present as yesterday

A Message from the Lower House by Mess^{rs} King and Colvile

By the Lower House of Assembly 20 May 1740

May it please your Honours

We have appointed M^r James Calder, Doctor Charles Carrol, Col Robert King M^r Vachel Denton Colonel Thomas Colvile and William Stoughton Esq^r Members of this House to join Benjamin Tasker George Plater and Edmund Jenings Esq^r named by your Honours to conferr about the subject Matters proposed by Our Mes-

U. H. J. sage of the 17th Instant who will attend at such time and Place as
Calvert you shall be pleased to direct
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Signed p Order M Macnemara C^t Lo H.

The following Message is sent by Benjamin Tasker Esq^r

By the Upper House of Assembly 20 May 1740
Gentlemen

In Answer to your Message of this Day by Mess^{rs} King and
Colvill, the Conferees appointed by this House are ready to attend
the Gentlemen named by your House immediately at the Office of
the Commissioners for emitting the Paper Currency

Signed p Order John Ross C^t Up H.

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment Present as in
the Morning

Adjourned till to Morrow Morning Nine of the Clock

May 21 Wednesday Morning 21 May 1740

This House met again according to Adjournment Present as
Yesterday

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment Present as in
the Morning with the Addition of Philip Lee Esq^r

p. 66 Adjourned till to Morrow Morning nine of the Clock

May 22 Thursday Morning 22^d May 1740

This House met again according to Adjournment Present as
yesterday

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment Present as in
the Morning

Adjourned till to Morrow Morning ten of the Clock

Friday morning 23^d May 1740

U. H. J.
Calvert
Paper
No. 735
May 23

This House met again according to Adjournment Present as
Yesterday

Read the Petition of the Vestrymen Church Wardens and several of the Inhabitants of S^t Mary Anns Parish in Cecil County praying that a Bill may be brought in to levy six hundred Pounds on the taxable Inhabitants of the said Parish by two equal Assessments towards building them a Brick Church

Read the Petition of the Vestrymen and sundry the Inhabitants of Queen Anns Parish in Prince Georges County praying that an Act may pass to levy One hundred Pounds upon the Taxable Inhabitants of the said Parish to repair the Chappel built by the Reverend M^r Henderson and his late Wife, and that the said Chappel may be made a Chappel of Ease for the said Parish

Read the Petition of the Rector Church wardens & Vestrymen of William and Mary Parish in S^t Mary's County praying an Act may pass empowering the Justices of the said County to levy fifty thousand Pounds of Tob^o in four years towards building a Chappel of Ease in said Parish & purchasing One Acre of Land whereon to p. 67
build the same

Read the Petition of the Freeholders and Parishioners of the Parish of William and Mary in S^t Marys County praying that the two aforegoing Petitions may be rejected, and that One new Church may be built in the said County according to the Vote of the major Part of the Parishioners therein

Read the Petition of the Rector Vestrymen Church Wardens and Others the Inhabitants of All Faiths Parish in S^t Marys and Charles Counties praying that an Act may pass enabling the Justices of the said Counties to levy two thousand Pounds in ten Years on the taxable Inhabitants of the said Parish to build a new Church on the Church Land in the said County

Read the Petition of the Visitors of Dorchester County School praying an Act may pass enabling them to purchase a small Peice of Land whereon to erect the new School House intended to be built

Read the Petition of sundry Inhabitants of Dorchester County praying that Leave may be given to bring in a Bill empowering the free holders of the said County to meet and appoint a Place convenient for building a new Court House and Prison in the said County; the Eight preceeding Petitions were referred to the Consideration of the Lower House of Assembly

Read the Petition of William Ratcliffe of Queen Anns County praying an Allowance may be made him for his Slave who dyed in Prison, and which Slave was by him apprehended and committed to Goal for the Murder of his fellow Slave.

U. H. J. Calvert Paper No. 735 Read the Petition of John Blanford of Prince Georges County praying an Allowance may be made him for his Slave who dyed in Prison before Tryal, & who was there committed on Suspicion of conspiring the Death of sundry white persons in the said County, the two aforegoing Petitions were recommended to the Consideration of the Lower House of Assembly, and all sent by Col Harris

Read the Petition of the Church Wardens and Inhabitants of St Peters Parish in Talbot County praying that an Act may pass to divide the said Parish upon the Death of the present Incumbent M^r Daniel Maynadier, Rejected

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

p. 68 This House met again according to Adjournment Present as in the Morning

Read the Petition of Joseph Williams and Richard Snowden of Ann Arundel County praying Leave to bring in a Bill to cut off the Entail of a Tract of Land called Williams Range lying in Prince Georges County and to entail other Lands of Equal Value in lieu thereof

Read the Petition of Benjamin Howard of Ann Arundel County praying Leave to bring in a Bill to cut off the Entail of a Tract of Land lying in the said County called Roper's Neck and to entail other Lands of Equal Value in Lieu thereof

Read the Petition of Thomas Spalding and Catherine his Wife of St Marys County praying Leave to bring in a Bill to cut off the Entail of a Tract of Land called Cooper's Purchase lying in the said County, and to entail other Lands of Equal Value in Lieu thereof, the aforegoing Petitions are referred to the Consideration of the Lower House of Assembly and sent by Col Hammond

Read the Petition of Thomas Lynthicum jun^r of Ann Arundel County praying Leave to bring in a Bill to cut off the Entail of Two hundred Acres of Land part of a tract of Land called Lynthicumbs Walks; Rejected

Two Bills from the Lower House by Mess^{rs} Hanson and George One Entituled an Act reviving the Acts for Advancement of Justice, the Other Entituled an Act for continuing an Act of Assembly of this Province Ent^d An Act ascertaining the Gauge and Tare of Tobacco hh^{ds} and to prevent cutting cropping and defacing Tobacco taken on board Ships or Vessels upon Freight severally thus Endorsed

By the Lower House of Assembly 2^d May 1740

Read the first time and ordered to lye on the Table

Signed p Order M Macnemara Cl Lo H.

By the Lower House of Assembly 9 May 1740

Read the second time and will pass

Signed p Order M Macnemara Ct Lo H.

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Read the first time in this House and ordered to lye on the Table

Two Bills from the Lower House by Mess^{rs} George and Gale & One Entitled an Act to continue an Act of Assembly of this Province Entit^d a supplementary Act to the Act Entitled an Act for emitting and making Current ninety thousand Pounds Current money of Maryland in Bills of Credit and to restrain some evil Practices of Sheriffs under Colour of the said Act committed the Other Entitled an Act for continuing an Act of Assembly of this Province Ent^d an Act to prevent cutting up Tobacco Plants destroying of Tobacco & Tobacco Houses and for ascertaining the Punishment of Criminals guilty of the said Offences severally thus Endorsed p. 69

By the Lower House of Assembly 2^d May 1740

Read the first time & Ordered to lye on the Table

Signed p Order M Macnemara Ct Lo H.

By the Lower House of Assembly 9 May 1740

Read the second time and will pass.

Signed p Order M Macnemara Ct Lo H.

Read the first time in this House & Ordered to lye on the Table

Two Bills from the Lower House by Mess^{rs} Matthews & Gale One Entitled An Act reviving an Act Entitled an Act to prevent the injuring Harbours within this Province and for repealing the Act therein mentioned, the Other Entitled an Act reviving and Continuing the Several Acts therein mencon'd severally thus Endorsed

By the Lower House of Assembly 8 May 1740

Read the first time and ordered to lye on the Table

Signed p Order M Macnemara Ct Lo H.

By the Lower House of Assembly 9 May 1740

Read the second time and will pass

Signed p Order M Macnemara Ct Lo H.

Read the first time in this House & Ordered to lye on the Table

Read the Petition of Nicholas Hammond a Prisoner for Debt in Ann Arundel County Goal praying Leave to bring in a Bill to free

U. H. J. his Body from future Arrests for such time and in such Manner as
Calvert shall be thought reasonable, Referred to the Consideration of the
Paper Lower House of Assembly and sent by Col Gale
No. 735

Adjourned till to Morrow Morning ten of the Clock

May 24
p. 70

Saturday Morning 24 May 1740

This House met again according to Adjournment Present as
Yesterday

A Bill from the Lower House by Mess^{rs} Denton & Smith En-
titled an Act for the Benefit of the Poor and Encouragement of
Industry thus Endorsed

By the Lower House of Assembly 5 May 1740

Read the first time and ordered to lye on the Table

Signed p Order M Macnemara Ct Lo H.

By the Lower House of Assembly 24 May 1740

Read the second time and will pass

Signed p Order M Macnemara Ct Lo H.

Read the first time in this House & Ordered to lye on the Table.
Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment Present as in
the Morning

Adjourned till Monday Morning ten of the Clock

May 26

Monday Morning 26 May 1740

This House met again according to Adjournment

Present

| | | | |
|------------------------|---|----------------------------------|-------------------------------------|
| The hon ^{ble} | { | Benjamin Tasker Esq ^r | Cot James Hollyday |
| | | Philip Lee Esq ^r | Cot Levin Gale |
| | | George Plater Esq ^r | Cot James Harris |
| | | Edmund Jenings Esq ^r | Samuel Chamberlain Esq ^r |

The Honourable Benjamin Tasker Esq^r brings in the following
Report

At a Conference held in the Loan Office in the City of Annapolis
on Tuesday the 20th of May 1740.

Present

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The honourable { Benj. Tasker Esq^r
George Plater Esq^r } of the Upper House
Edmund Jenings Esq^r

Mr James Calder Mr Vachel Denton
D^r Charles Carrol Col Thomas Colvill } of the Lower House
Col Robert King Mr W^m Stoughton }

p. 71

Who make Choice of the honourable Benjamin Tasker Esq^r
Chairman and Thomas Jennings Clerk.

The Conferees of the Upper House delivered themselves in the
Words following Gentlemen

As your House has desired this Conference We have it in Com-
mand from Our House to hear and receive what further you have
to propose and offer on the subject Matters of the Messages between
the Houses

To which the Conferees of the Lower House answered

We propose to confer with your Honours about the Heads of a
Bill for Encouragement of such Freemen as shall voluntarily inlist
themselves in his Majestys service, and about the Sum to be raised
for purchasing Arms and Ammunition, and the Time of the Con-
tinuance of the Bill for that Purpose, agreeable to Our Message of
the 17th Instant

Upon which the Conferees of the Upper House say they desire
to withdraw to make their Report to their House

In the Afternoon the Conferees met again Heads agreed on
towards a Bill for encouraging Freemen &c.

That no Bounty should be given to any Serjeant Corporal or
Drummer

That whatever Bounty should be distributed, all, or any Part
thereof be paid towards Satisfaction of their Debts (if any) that
the Soldiers may owe

That such Soldiers shall be exempted for seven Years after their
Return from all Publick County and Parish Charges whatever, as
also from the Necessity of attending on the High Ways

That Every Soldier either in marching or travelling on any part
of his Duty or service shall have his Ferriage free

Upon considering the heads of a Bill for encouraging Freemen to
enlist in his Majesty's Service

The Conferees of the Lower House propose to raise the sum of
2636:16:3 Current Money, to be applied to such Freemen as shall
inlist in his Majestys Service

The Conferees of the Upper House propose, that it be a Clause of
the Bill, that Every Person listing as a Soldier, should be free of p. 72

U. H. J. Arrest for any Debt under some certain Sum to be agreed upon by
Calvert the Conferees
Paper

No. 735 That whatever Bounty should be thought proper to be given,
should not be paid before the Time of Imbarkation

That all the Money drawn out of the Office for the Purposes of
such a Bill shall be replaced by One or more moderate Taxes or As-
sesments

On the foregoing Proposals of the Upper House, the Conferees
of the Lower House desire to withdraw to take the Advice of their
House

The Conferees adjourn until to Morrow Morning Nine of the
Clock

Wednesday Morning 21 May

The Conferees met according to Adjournment

The Conferees of the Lower House propose, that no Person shall
by this Act be exempted from Arrest, unless all the Debts he shall
owe at the time of enlisting, shall not exceed the Sum of the Bounty
to be given to Each, and that Provision shall be made, that Publick
notice be given of Each person inlisting to the End that their Cred-
itors may make their Claims appear by a Certain Day, and if such
Claims shall not in the whole exceed the Bounty, then they shall be
discharged therewith, but if the Claims are more, then the Debtor
shall not be entituled to the Bounty, and that after the Day appointed,
no Person having received said Bounty shall be subject to Arrest
for any Debt not claimed or exceeding the Bounty as aforesaid.

That the money shall not be paid to the Party, (in Case of no
Debts or Debts not amounting to the Bounty) until such time after
inlisting as there shall be a Certificate under the hand of the Cap-
tain, or Other Superior Officer produced to the Agent that such
Person is inlisted, and so well secured that there is no Danger of his
deserting

That the Money to be drawn out of the Office, instead of As-
sesments on the People, shall be repaid out of the Current Money
Duties, arising on several Commodities, and heretofore applied for
defraying the Publick Charge

The Conferees of the Upper House desire to withdraw and
acquaint their House therewith

The Conferees of both Houses agree that the Sum to be raised
should not exceed the sum of 2636:16:3 Current Money

The Conferees of the Upper House propose, that the Number of
Men to be encouraged be five hundred, or some other Number less
p. 73 than a thousand and that the Sum to be advanced Each be propor-
tioned among the number of Men to be agreed on

The Conferees adjourn and on their Meeting again The Conferees of both Houses agree, that no Person shall by this Act be exempted from Arrest, unless all the Debts he shall owe at the time of inlisting, shall not exceed the Sum of the Bounty to be given to Each, and that Provision shall be made that Publick Notice be given of Each Person inlisting, to the End that their Creditors may make their Claims appear by a Certain Day, and if such Claims shall not in the whole exceed the Bounty, then they shall be discharged therewith, but if the Claims are more, then the Debtor shall not be entitled to the Bounty and that after the Day appointed no Person having received said Bounty shall be subject to arrest for any Debt not claimed, or exceeding the Bounty as aforesaid

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That the Money shall not be paid to the Party (in Case of no Debts or Debts not amounting to the Bounty) until such time after inlisting as there shall be a Certificate under the hand of the Captain, or other superior Officer produced to the Agent that such Person is inlisted and so well secured that there is no danger of his Deserting And that the number of Men to whom the Bounty is to be given be five hundred

The Conferees of the Upper House deliver themselves thus

The Upper House on Consideration of Your Proposal to repay the Money advanced for Encouragement of the Levies out of the Current Money Duties &c are of Opinion, that whether such Money be repaid by a moderate Tax on the People, or by those Duties, will consequentially be the same, but that the first may perhaps be least burthensome to the People, for if such Duties be charged with the Repayment of this Money, the whole Publick Levy must be raised by a Tax, and perhaps at once on the People; but if those Duties should not be so charged with the Repayment of this Sum for the Levies, it might be repaid by moderate and gradual Taxes, and the Publick Levy or some great Part thereof might be immediately paid out of the Office (which cannot be if this money be taken out of the Duties) and such Money be repaid by those Duties. This we have in Command from Our House to acquaint you with, that upon this Representation you may fix on which Method you please

The Conferees of the Lower House desire to withdraw and take the Advice of their House thereon;

The Conferees of the Lower House deliver themselves in the following Words

As the Repayment of the Money to be advanced for Encouragement of the Levies &c out of the Current Money Duties &c or by a moderate Tax on the People, will be consequentially the same, we are directed by the Lower House to agree to which ever of the two Ways Your Honours shall be pleased to choose The Conferees of the Upper House make the following Choice accordingly.

U. H. J. And it is therefore agreed by the Conferees of both Houses that
Calvert the money to be advanced for Encouragement of Levies, be paid in
Paper by a moderate Tax on the People
No. 735

The Conferees enter upon the Consideration of a Bill for raising Money for Arms and Ammunition

The Conferees of the Upper House deliver themselves in the words following

Since your House has given Our House the Choice of two Alternatives, One of which Our House has taken, and since Our House apprehends you have given us no Reasons for their Departing from the Choice they have made, we have it in Command from Our House to know whether your House will not agree to such Choice, and if not, whether you have any Reasons to offer why Our House should depart from the Choice they have made of One of your Alternatives

In Answer to which the Conferees of the Lower House say, they desire to withdraw and acquaint their House therewith

The Conferees adjourn until the Afternoon

In the Afternoon the Conferees met again

The Conferees of the Lower House deliver themselves in the following words

We are directed by the Lower House of Assembly to acquaint your Honours, that they cannot agree to the Continuance of the Bill for Arms and Ammunition for nine Years, or for any Number of Years more than three; And although they do not look upon themselves
p. 75 in any wise Obligated to give Your House the particular Reasons which guide their Resolutions as a House of Delegates in any Matters that come under their Consideration concerning money Bills, and that their Reasons in the present Case are sufficiently set forth in their Message to the Upper House of the 17th Instant yet to comply with the present Desire of Your House, we are directed to give you as follows

First, That Our Offer of A Bill was not for any number of years generally but coupled with these Words, "as the necessity of the present Juncture may require," and that our House, as the legal Representatives of the People, have an unquestionable Right to Judge of the necessity of Raising Money, the Quantity of money to be applied to that Necessity, and the Time of Continuance of any Bill for that purpose.

And, that the Reason of making the Offer in the manner above mentioned, was to give Your House an Opportunity in Conjunction with Ours deliberately to consider both of the Time and Sum, and to Form the Bill accordingly, instead of which your House has

taken upon itself to determine Both, without allowing the House of Delegates any Share in the Consideration of either.

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2^{dy} That as the Upper House has frequently inculcated the necessity of extraordinary Armaments at this Juncture, from our Being in a War with Spain, from the Probability of one with France, the Danger of being Attacked by some French Colonies said to be within a few Days March of our Frontiers, the Insurrection of Negroes, and the evil Disposition of Papists, our house have thought the increasing the Sum and by Consequence the Quantity of Arms and Ammunition at such a particular time of Danger, will more Conduce to our Safety, than giving the Three Pence for nine or any other number of years, for if the Danger is at Hand the Money raised after the Third year can be of no use to defend us against such Danger

3^{dy} That altho the Lower House in May 1739, when no War was proclaimed, but only a general Rumour of it, when there was a large Quantity of Arms in the Province, and above the Proceeds of Seven Years Duty in Bank in England, did not think it necessary to renew the Bill yet as they offer it when War is Proclaimed and Danger is at Hand, it is not even to be presumed but that every House of Delegates will continue from time to time so to do, when they shall be in the like or worse Circumstances, or their own Preservation require it

We are further Ordered again to renew to you the Offer made in Our Message of the 17th Instant, which if you refuse, we are required to desist from any further Conference on the Bill for Arms and Ammunition

The Conferees of the Upper House desire to withdraw to take the Advice of their House thereon

And the Conferees Adjourn until to Morrow Morning

Thursday Morning May 22^d The Conferees met according to adjournment

The Conferees of the Upper House deliver themselves in the following manner

Gentlemen We have it in Charge from Our House to say in Answer to what you communicated to us yesterday on the Subject of the Act for Arms &c^a and your Reasons for not agreeing to Our Choice of your Alternative for nine years, That the Right you Claim of not being Obligated to give particular Reasons for your Resolutions on money Bills, is not a less Priviledge of Our House on any Bill whatever, and therefore they hope you will not think it strange, whenever they should think fit to assert or insist upon it

U. H. J. That so much has been already said in the Messages with Relation
Calvert to your two Alternatives, and the Choice they have made, that they
Paper think there is no occasion to add any thing further only this that they
No. 735 never questioned the Right of your House in Judging of the neces-
sity of Raising money, the Quantity of Money to be applied to that
necessity, and the time of Continuance of that Bill yet that Our
House has an equal right of Judging on passing or not passing
Any Bill whatsoever

That Our House has great Pleasure to find, that their often in-
culcating the necessity of extraordinary Armaments at this Juncture,
from Our Being in a War with Spain, the danger of being attacked
by some French Colonies, the Insurrection of negroes and evil Dis-
positions of Papists, have had at last some good Effects on your
Resolutions for Increasing the Sum for Arms, &c^a at such a par-
ticular time of Danger

That your House seems to think by not passing the Bill for Arms,
&c. at the last meeting, that a Rumour of War ought not to prevail
with them to make Preparations for a Posture of Defence, and that
a seven years Duty in Bank of 300£ Sterling p annum and Our
Arms in the Country (both which together could not Arm the Prov-
ince in a Proper manner against an Invasion) will Justify the Repre-
sentatives of a Free People in letting A Bill for defence of the Prov-
p. 77 ince drop till an Actual War breaks out, or the Country may be in
worse Circumstances, by which our House presumes your House,
must mean when the Enemy may be amongst us; in such worse
Circumstances no doubt, Gentlemen, it would be a very proper Time
for an Assembly to meet and make an Act to raise Money a year
afterwards for Our Defence

We have it further in Command from our House to acquaint you,
that although you have not vouchsafed to use one Argument to
satisfy Our House of the unreasonableness, in the present uncertain
Situation of Affairs, of the Length of nine years which they had
Chosen on your Alternative, yet as the principal Heads of a Bill for
Encouragement of raising Forces for his Majestys Service, and a
determined Resolution to shew it on every occasion have been agreed
to in this Conference, and as the members of Our House have
nothing so much at Heart as a sincere Zeal for his Majestys Service,
and a determined Resolution to shew it on every occasion; There-
fore on these Considerations, and being very desirous to cultivate
and preserve among the several Branches of the Legislature a
mutual Harmony and good Understanding, by every Condescension
that is not very unreasonable, and by forwarding any Bill that may
be agreeable to each other, Our House will Agree to a Bill for laying
a Duty of Six Pence per Hogshead for Arms, &c^a for defence of the

Province for a determined Time of Three years, and in every other respect conformable to the present Act; But we offer to your Consideration whether it may not be more for the Ease of the People, to continue the present Act for Six years, rather than lay an Additional Load on Trade for this purpose.

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The Conferees of the Lower House desire to withdraw and Advise their House what was delivered as above

The Conferees Adjourn until the Afternoon

In the Afternoon the Conferees met again

The Conferees of the Lower House deliver themselves in the following manner viz:

The Conferees of the Lower House propose, that the Treasurers shall with the money to be raised, send for the Arms and Ammunition by direction from the Governor and Council, and that the Treasurers shall at every General Assembly lay before both Houses Accounts of the Arms so Purchased and Money received

That the Armourer by the Bill be obliged to lay also an Account upon Oath before every General Assembly of what Arms and Ammunition he shall from time to time receive, and how they are delivered out p. 78

That the Commission of Eight per Cent by the present Act to the Naval Officers be reduced to some less Sum to be agreed on

To which the Conferees of the Upper House desire to withdraw to acquaint their House therewith

Soon after the Conferees of the Upper House return again and deliver themselves in the following manner.

Gentlemen We are directed by Our House to acquaint you that your Proposals seem only to be mentioned in order to destroy a Bill about which both Houses have taken so much Time and Pains, at a very great Expence to the Country, nor can you reasonably expect any further Concessions after those large ones already made by Our House

The Conferees Adjourn until to morrow morning nine of the Clock

Friday morning May 23^d The Conferees met according to Adjournment

The Conferees of the Lower House deliver themselves in the following manner

We are Ordered by the Lower House to acquaint Your Honours that as the Proposals We offered to you Yesterday were only made for your Advice, and, as we told you at the time of delivering them, not such as were by Our House insisted upon (although thought reasonable) if they should be disagreeable to the Upper House, we

U. H. J. might reasonably have expected a different answer than to be told
 Calvert they were mentioned in order to destroy the Bill, when the manner of
 Paper the Proposal plainly shews the Contrary, and that Answers of this
 No. 735 Kind to Proposals made by one Branch of the Legislature to any
 of the others will only serve to prevent that necessary and friendly
 Intercourse that ought to Subsist between them, and may in many
 things prove of ill Consequence to the Publick; However as Our
 House, are willing to do every Thing that may Conduce as well to the
 Safety and Security of the Province, as to the Dispatch of the Pub-
 lick Business, and hasten the Sessions to a Conclusion, which has
 already continued to a great Length, We are desired to acquaint you
 that they agree to the Bill in the manner you have proposed with the
 Addition of a Preamble setting forth the Reason of Increasing the
 former Sum

All which is humbly submitted to the Consideration of both
 Houses

Signed p Order Tho^s Jennings Clk.

p. 79 Adjourned till two of the Clock in the afternoon

Eodem Die post Meridiem

This House met again according to Adjournment Present as in
 the Morning

A Bill from the Lower House by Mess^{rs} Smith and Lloyd En-
 titled An Act reviving the supplementary Act to the Act laying
 an Imposition on Negroes and on several Sorts of Liquors imported
 and also on Irish Servants to prevent the importing too great a
 Number of Irish Papists into this Province thus Endorsed

By the Lower House of Assembly 26 May 1740

Read the first time and ordered to lye on the Table

Signed p Order M. Macnemara Cl Lo Ho.

By the Lower House of Assembly 26 May 1740

Read the second time by an Especial Order and will pass.

Signed p Order M Macnemara Cl Lo Ho.

and the following Message

By the Lower House of Assembly 26 May 1740

May it please Your Honours

We herewith send you a Bill Entituled An Act reviving an Act
 Entituled a Supplementary Act to the Act Entituled An Act laying

an Imposition on negroes & on several Sorts of Liquors imported and also on Irish Servants to prevent the importing too great a Number of Irish Papists into this Province

U. H. J.
Calvert
Paper
No. 735

There being several Bills past in Our House, which have lain a considerable Time before your Honours, We request they may be sent down, that if they shall pass in Your House they may be ordered to be engrossed, and all possible Dispatch be given to the Business, and this long Session brought to a speedy Conclusion

Signed p Order M Macnemara Ct Lo H.

Read the foregoing Bill the first time in this House and ordered to lye on the Table

The following Message is sent by Philip Lee Esq^r

By the Upper House of Assembly 26 May 1740

Gentlemen

Several Bills sent from your House now lye on Our Table for a second Reading, but We cannot think this House would act with that Decency and Duty We owe to his Majesty and the Safety of this Province, if any Bill should have a Passage in this House before a Bill for raising a Fund for Arms &c for Defence of this Province, and also a Bill for Encouragem^t of raising Forces for his Majestys Service, agreeable to the heads agreed upon by the Conferees of both Houses, and neither of which you have sent to us; We doubt not of your Approbation of Our Conduct in this Particular, since Your House shewed a remarkable Earnestness in forwarding two Bills for those Purposes at Our first Meeting, and when the two Houses could not by Messages agree on what Bills would be the most proper for such Ends, the Heads and Principal Parts thereof have been settled to Our mutual Satisfaction by the Conferees of both Houses; in Consequence of which we have daily expected from your House Bills conformable to such heads, & therefore We hope you will be pleased to send Us such Bills that We may by a quick Passage give a Preference to them which so much relates to his Majesty in every Respect, before every Other Bill

Signed p Order John Ross Ct Up H.

Adjourned till to Morrow Morning ten of the Clock.

Tuesday Morning 27 May 1740

May 27

This House met again according to Adjournment Present as Yesterday

A Message from the Lower House by Mess^{rs} Hooper and Aisquith

U. H. J.
Calvert
Paper
No. 735

By the Lower House of Assembly 27 May 1740

May it please Your Honours

Upon Consideration of the Petition of M^r Charles Sewall which Your Honours have referred to the Consideration of this House concerning a Tract of Land called Darby, which was granted to his Grandfather, and was settled by Act of Assembly, to the Use of some Indians on the Eastern Shoar in the year 1669; and as it does not appear that ever any Satisfaction was made for the said Land (altho it was taken away from the Owner or Proprietor of it for a Publick Good) so it seems reasonable and just to this House, that the Petitioner should have Satisfaction made him, or that he should have the said Land; it seems to this House, that the best Expedient would be to appoint some Persons to treat with the Indians for a Compensation to be made them at the Publick Charge for their

p. 81 Right to the said Land, and that the Petitioner M^r Sewall may have it: By this Expedient we conceive that no Inconvenience will ensue to the Indians themselves, as they will have Land remaining of what was settled on them by the said Act more than sufficient for the Number of those people (who daily diminish) as are now left, that the Purchase will be easy to the Publick, and the Petitioner will have an Opportunity to sell his Land for its true Value: If your Honours are of the same Sentiments with this House, We shall be ready to join with you in appointing proper Persons to treat with the Indians to the Purposes already mentioned

Signed p Order M Macnemara Cl Lo H.

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment Present as in the Morning

A Bill from the Lower House by M^{rs} King and Magruder Entituled An Act for issuing and paying out of the Office of the Comm^{rs} or Trustees for Emitting Bills of Credit established by Act of Assembly the Sum of 2562:10:0 Current Money in Bills of Credit to be applied for the Encouragement of Persons voluntarily enlisting themselves in his Majestys Service thus Endorsed

By the Lower House of Assembly 27 May 1740

Read the first time and ordered to lye on the Table

Signed p Order M Macnemara Cl Lo H.

By the Lower House of Assembly 27 May 1740
Read the second time by an Especial Order and will pass
Signed p Order M Macnemara Ct Lo H.

U. H. J.
Calvert
Paper
No. 735

and the following Message

By the Lower House of Assembly 27 May 1740
May it please Your Honours

We herewith send you the Bill for Encouragement of his Majesty's Levies: As it is to be presumed all the Bills, which shall pass both Houses will receive the Assent of his Excellency, and pass the Seals at One and the same time, We are at a Loss to know wherein the Decency and Duty we owe to his Majesty, and the Safety of the Province, can be any ways concerned in the Precedency given to any of them in Either House, however, as we have too well grounded Apprehensions that contrary to the usual Mode of Proceedings in Assembly you keep up the several Bills now before you, wherein the Publick Administration of Justice, the Payment of Publick Taxes, and general Utility of the Province are most essentially concerned, with Design to pass them with Duration to a Day certain only, and not to the End of a Session as usual, which in Our Opinion would be of the most pernicious Consequence to the People We have thought it, absolutely necessary to keep back that for Arms & Ammunition until you send us down such of those other Bills as you shall think fit to pass with the usual Duration. p. 82

As We hope there is no Ground to suspect Our Loyalty to his Majesty to Our Care for the Safety of the Province, so we hereby sincerely declare to your Honours and the World, that We never had any other Intention than to pass the Bill for Arms &c according to the Terms agreed upon by the Conferees of both Houses; and that We retain it in Our hands now, for no other Reason than what We have here mentioned, for whatever may be the Consequence of not having it at this Time, We are well assured that losing either all or most of the Bills now before you with Others of the like kind, or having them with any other Determination than with a Session of Assembly would prove much more fatal; and therefore We have thought Ourselves in Prudence obliged of two Evils to choose the least

As We cannot suppose Your Honours unacquainted with the many other Reasons which govern Us in this Matter, We shall not trouble you with them; and this being Our firm and unalterable Resolution We hope it will be needless to spin out any more time about it; We shall therefore wait the final Result of Your House therein

Signed p Order M Macnemara Ct Lo H.

U. H. J. The foregoing Bill was read the first time in this House and
Calvert Ordered to lye on the Table
Paper
No. 735 Adjourned till to Morrow Morning ten of the Clock

May 28 Wednesday Morning 28 May 1740

This House met again according to Adjournment Present as
yesterday with the addition of Col Hammond
Adjourned till two of the Clock in the afternoon

p. 83 Eodem Die post Meridiem

This House met again according to Adjournment Present as
in the Morning
Adjourned till to Morrow Morning ten of the Clock

May 29 Thursday Morning 29 May 1740

This House met again according to Adjournment Present as
yesterday
The following Message is sent by Samuel Chamberlain Esq^r

By the Upper House of Assembly 29 May 1740
Gentlemen

In answer to your Message of the 27th Instant We assure you that We have understood that Bills or other Business of the greatest Consequence to Our King and Country had the Preference in Parliamentary Transactions and were first taken under Our Consideration nor can such a Method seem strange. since it is reasonable in Private as well as Publick Affairs, and as We look on the Fund for Defence of the Province to be of the utmost Importance for Defence of the Province at this important Juncture, and the Bill for Encouragement of Levies for his Majestys Service to be a seasonable and dutiful Testimony of Our Loyalty to his Majesty We think the Decency and Duty We owe to his Majesty and the Safety of the Province ought to give those Bills which had employed both Houses above a month before they could agree to the Heads of them the first Place in Our Consultations, although the Lower House should think fit Contrary to the usual Practice in Parliament to offer some other Bills before them for the Governors Fiat

It was this Opinion of the Precedency due to Bills of this Nature that occasioned our Deferring the Consideration of your Bills now On our Table until we should receive and give a Passage to those two Bills, But We must candidly acknowledge that your above mentioned Message has given us another and invincible Reason against

Our Passing any of your Bills now on Our Table before We have from you the Bill for Arms &c^a

U. H. J.
Calvert
Paper
No. 735

With very great Concern we perceive it hardly possible for us to come to any Amicable and Friendly Agreement with your House as it is our sincere Inclination to do let us make never so many Concessions, new Dénands are still made upon us, in Proportion to the Readiness we show in Complying with your Desires of this your present Message is a most flagrant and demonstrative Proof We have been now Five Weeks Contending about this Bill that is the Subject of it which is agreed on all Hands necessary to be continued in some Shape or other considering the dangerous Situation of Our Affairs, your first Objection was to the Clause for the Continuance of it to the next Session of Assembly which you declared was Contrary to the very Frame of Our Constitution, since by such a Clause any temporary Law might be made perpetual by any one part of the Legislature but to shew your Inclination in this time of an Actual War with Spain and an impending one with France you offered us the two Alternatives either of a longer time or a larger Sum. We chose one, you then flew to the other, which you again offered to us as your final Resolution, upon this to shew Our Desire to agree with you We came once more into your Terms and in a Conference settled the Heads of this Bill together with that for inlisting men for his Majestys Service, but after all this now comes your Message declaring your Resolution not to send up the Bill for Arms &c. for Defence of the Province

p. 84

But your self Conviction of what you ought to do in Consequence of the Agreement by the Conferees of both Houses, has put you under a necessity of offering at some Excuse for not sending to Our House a Bill Conformable to what the Conferees agreed in relation to the Fund for Defence of the Province and this Excuse is founded on your too well grounded as you say Apprehensions of Our Design to pass your Bills now in Our House with Durations to a day certain only and not to the end of A Session as Usual, Be pleased Gentlemen to permit us to Ask whether this House has ever acquainted you with such a Design, Whether any Designs or Actions ought to be imputed by one House to another in the Course of Parliamentary Proceedings, before such designs or Actions are avowed by either House but even suppose you had the best Grounds imaginable for your Apprehensions can they justify you in keeping back a Bill which was in all its parts Setled and Agreed to not only by the Conferees but even by both Houses and is it not very extraordinary that you not only foretell without an Information from Our House what Our Resolutions will be on the second Reading of your Bills, but you Act and Resolve in the same manner as you think you would if We had already done what you apprehended Indeed Gentlemen such Dispositions must destroy all Confidence between the sev-

U. H. J. eral Branches of the Legislature and have Effects very Contrary
 Calvert to the good Ends proposed and Expected from the Meeting of
 Paper
 No. 735 Assemblies.

p. 85 As to the Duration which you seem to be so much apprehensive of
 We hope We need only say that it will be time enough for us to
 Justify such a Duration whenever We think fit to Insist on it which
 we shall not do, unless we are Satisfied with the Expediency and
 Reasonableness

Since the Importance of the Bill for Arms &c^a for the defence of
 the Province since our frequent inculcating the necessity of Extraor-
 dinary Armaments at this Juncture, which your Conferees acknowl-
 edged had influenced you to increase the Sum for Arms &c^a from
 Our Being in a War with Spain the Probability of one with France,
 the Danger of being Attacked by some French Colonies within a
 few days March of Our Frontiers the Insurrection of negroes and
 the evil Dispositions of Papists and since the Concurrence of your
 Conferees, and even of Your House to every part of such a Bill
 cannot convince you of the indispensable Obligation you are under
 to forward that Bill immediately up to Our House; but on the Con-
 trary you seem resolv'd to disregard every Consequence, rather than
 not avoid the Duration you are apprehensive may be put to some
 other Laws, We must say on our parts that your Wishes plainly
 appear that We should be rather without A Session or any Fund
 for Arms &c^a for Our Defence than to have it increased to the Sum
 agreed by the Conferees, and therefore Gentlemen We dare not
 before you send up the Bill for Arms &c^a Agreeable to the Conferees
 Report take one Step in the Passage of any of the Bills now in Our
 House least it might tend to leave us at these Dangerous Times
 without some Fund for Our Defence and in Case you will not let
 us have a Bill for Arms &c^a Agreeable to the Conferees Report, We
 are perswaded We shall in a much more Sincere manner acquit Our
 selves as Dutiful and Loyal Subjects by not passing the Bill for En-
 couragement of Forces, or any other Bill and by that means Con-
 tinue still on Foot the present Act for Arms &c^a than by giving a
 Passage to that or any other Bill, leave the Province without any
 Fund to provide Arms and Ammunition for its Defence

We are really Gentlemen, unacquainted with the many other
 Reasons (which you say) govern you in this Matter unless they be
 such as determine you at all Events to deprive this Province as much
 as it is in your Power, of a Fund for its Defence, and therefore you
 will be pleased to take Our Final Results, (which you say you wait
 for) that We cannot consistent with Our Duty to his Majesty in
 the Preservation, of this part of his Dominions, Pass any Bill before
 you Will be pleased to dispatch a Bill for Arms &c^a to us agreeable to
 the Report of the Conferees.

And now Gentlemen; before you give us your final Result, We earnestly desire you like the Representatives of a Protstant People who are blest with the Enjoyment of Your Religion and Liberties under the best of Princes to consider the State and Circumstances of this Province

U. H. J.
Calvert
Paper
No. 735
p. 86

We have an Actual War with Spain and expect One every day with France if it is not already declared, Our Province lies in a defenceless Condition easily to be invaded by the French and the Indians in Friendship with them, and the Papists among Ourselves and other Jacobites have arrived at a degree of Insolence beyond all Imagination some of them not sparing his most Sacred Majesty himself others threatning the Destruction of Our Religion and Laws and the mildest of them haranguing daily upon the terrible and Irresistible Power of France and Spain

At this time Gentlemen, and in such Circumstances it might have been really hoped and expected that the Government might have prevail'd upon you to have done something extraordinary for the Defence of the Province but to be refused not only the Fund as it is increased by the Conferees of both Houses but even the Continuance of the Fund in being upon the same Foot that they stand on at present, are Facts so Astonishing that it will hardly be believed by his Majesty and the Ministry at home, to whom We must refer Our selves for the Justification of Our Conduct, and flatter Ourselves that We shall have Justice done to the Sincerity of Our Intentions there as well as by every Candid and Impartial Man in this Province

Signed p Order John Ross Ct. Up H.

Adjourned till two of the Clock in the Afternoon

Eodem Die Post Meridiem

This House met again according to Adjournment Present as in the morning

A Bill from the Lower House by Mess^{rs} Stoughton and Harris Entituled An Act for the Trial of all Matters of Fact in the several Counties where they have arisen or shall arise thus endorsed.

By the Lower House of Assembly 29 May 1740

p. 87

Read the first time and Ordered to lie on the Table

Signed p Order M Macnemara Ct lo. ho.

By the Lower House of Assembly 29 May 1740

Read the second time and will pass

Signed p Order M Macnemara Ct lo. Ho.

Read the first Time in this House and Ordered to lie on the Table
Adjourned till to Morrow Morning ten of the Clock

U. H. J.
Calvert
Paper
No. 735
May 30

Friday Morning 30 May 1740

This House met again according to Adjournment Present as
Yesterday

A Message from the Lower House by Mess^{rs} Calder and Sprigg

By the Lower House of Assembly 30 May 1740

May it please your Honours

We little expected that Our Readiness to offer a Bill for Encouragement of his Majestys Levies, and Chearfulness in doubling the Sum for Purchasing Arms and Ammunition for Defence of the Province could have met with such Obstruction from your House after your so many Declarations of our present necessities and Dangers or that it could have been attended with a Consequence on your part so very Prejudicial to the People in other Respects viz. the Altering the Duration of Our Laws to be reenacted this Session, whereon the Administration of Justice, the raising and Payment of Taxes and the General Utility of the Province particularly depends (many whereof have lain now three Weeks on your Table) from ending with a Session as they always heretofore have done to determine on a day certain merely because we contended (and We hope with great Reason that money Bills should have such Duration

Can it be the Safety and Welfare of the Country that move your Honours to this Will not all the World say that it is only Calculated to Obtain an Ascendant over the People by having it in your Power at the Expiration of those Laws to compell the Representatives of a Free People into Compliance with any high Demands your House shall be pleased to make on them. And is it not without Precedent that the Government under Pretence of imminent Danger demands money of the People and when it is offered according to Request it will not be accepted unless they give up their Liberties along with it

Our Duty Obliges us to take Care of the Province in every Respect, and not, while we are making Provisions against Enemies abroad, leave it a Prey to those at home

You are pleased to say that your House never told us of this being your Design, but pray if you had no such Intention would it not have been easy to have said so in your Message of yesterday; or had our former Apprehensions been upon Slender Grounds

p. 88 Can We doubt of the matter now after the indirect manner you have answered Our Message of the 27th Instant

The Bill for Arms and Ammunition is ready drawn up agreeable to what was consented to by the Conferees of both Houses and nothing hinders the sending it to your Honours, but the Incer-

tainty We are under of having those other Bills with their Usual Duration; It is only in your Power to remove Our Fears by satisfying us in this Point, and if for this Reason you shall think fit to forego that other so necessary a Bill, let the Consequence lye at your Door

U. H. J.
Calvert
Paper
No. 735

The Precedency you so often mention, We must again tell you can have no manner of Weight since it is well known all the Laws made in a Session will receive their last Sanction at the very same time

Had your Honours been pleased to communicate this Scheme to Us at our first meeting, the Business might have been short and some Thousands of Pounds saved to the Country, but We are now sorry to find that the Obtaining of Powers inconsistent with the Rights and Liberties of a free People seems to be the Principal View whilst zeal for his Majestys Service and Safety of those People accompanied with Groundless personal Reflections obliquely aimed at the members of this House, is made the Specious Pretence

Since then the keeping in Our Possession the Bill for Arms &c^a is the only means left us to secure the accustomed Duration of Our other Laws We request your Honours (in whose Power alone it is) to remove that Obstacle and then that Bill will be immediately sent you, otherwise We do, and always shall persist in Our former Resolution

After what is here said and the Offer now made, We shall not be afraid of Submitting Our Conduct in this matter to his most Sacred Majesty, or his Ministry at home and shall take Care that things be represented their in their true Light

Signed ꝑ Order M Macnemara Ct lo ho.

Adjourned till two of the Clock in the Afternoon

Eodem die post Meridiem

This House met again according to Adjournment Present as in the morning

A Bill from the Lower House by Mess^{rs} Stoughton and Magruder p. 89 Entituled An Act for Limitation of Officers fees thus Endorsed

By the Lower House of Assembly 5 May 1740

Read the first time and Ordered to lye on the Table

Signed ꝑ Order M Macnemara Ct Lo Ho.

By the Lower House of Assembly 30 May 1740

Read the second time and will pass

Signed ꝑ Order M Macnemara Ct Lo H.

The following Message is sent by Cot Hammond

U. H. J.
Calvert
Paper
No. 735

By the Upper House of Assembly 30 May 1740

Gentlemen

The Great Regard we have for the Safety and Welfare of the People of this Province, obliges Us to acquaint you, that during the Time M^r Beale and M^r Denton were Clerks of the Provincial Court, they have neglected to make and enter the Affidavit which the Act of Assembly, Entituled An Act for the Publication of all the Laws of this Province and for the recording the same in the Secretarys Office &c made at a Session of Assembly begun and held the 26th Day of April 1715 required to be made, concerning the Record of Acts of Assembly within Six months after the End of Each Session, which gives us Reason to fear that Our Records of Laws during that time have not been carefully examined with the Original Acts under the Great Seal

We therefore desire You'll appoint some of the Members of your house to join with some of Ours to examine as well the Records with the Original Acts from the year 1714, till the time M^r Ghiselin was made Clerk of the Provincial Court (he having taken Care to comply with the aforesaid Act) as to make Enquiry concerning some Certificates and Other Writings in the said Record Books, that We have Reason to believe were made by Persons no way qualified by Law to make them

Signed p Order John Ross C^t Up H.

Adjourned till to Morrow Morning ten of the Clock

May 31

Saturday Morning 31st May 1740

This House met again according to Adjournment Present as Yesterday

The following Message is sent by C^{of} Gale

p. 90

By the Upper House of Assembly May 31, 1740

Gentlemen

Were we to follow you in every Paragraph of your Message of Yesterday by Mess^{rs} Calder and Sprigg, you would find that with very Change of the Terms, whatsoever you say of this House compelling the Representatives of the People into Compliances with any high Demands, may be most justly applied to the Resolutions of Your House with regard to this, and we doubt not this Latter will appear to be the real Case, upon the bare State of the Dispute between us, which we think to be undeniably thus

The first and only material Business transacted by the two Houses during the first four Weeks of this meeting, was an Agreement by

the Conferees of both Houses, on the Heads and principal Parts of two Bills viz. One to raise a Fund for Defence of this Province, and the other to encourage Levies for his Majestys Service; these Bills were at the Conference and by all the Messages preceeding it, understood and Agreed to attend each other, and to be framed and sent up by your House to us, as soon as might be; you send to this House one of the Bills, but, refuse to send the other for defence of the province, Because you have Apprehensions (as you say) of our Intention to make Alteration in the Duration of some of your Bills on our Table; We tell you, that we have not as yet Given those Bills a second reading; upon which it is notorious this House forms their Resolutions, either as to the Passage or Alterations of any Bills, and further that this House has never acquainted your House with any such Intentions pray, Gentlemen what answer do you make to This by your abovementioned Message why truly, none other, but that you take for granted, that we shall do what we have not yet done, nor have informed your House that we shall do; and because We do not let you know, what we shall or shall not determine on the second Reading of those Bills, your Apprehensions of Our Intentions (you say) are confirmed; If Gentlemen such Expectations as you now entertain were ever thought or heard of, in any part of the World where there are distinct Branches of the Legislature Your now Behaviour might be a matter of less Surprise; but as we are most certain, not the least Pretence of Reason or President can be urged for what you now insist on, we hope you will not be displeased with our absolute Refusal to comply, with what wou'd render that Branch of Legislature which shou'd concede to it, not only useless but ridiculous; when you talk of high Demands, can any thing be more so between Our two Houses, than for one to Insist on the other should declare, what it Intends to do with any Bill, before that Bill comes under a proper Consideration of the House? would not this Method of Proceeding not only anticipate every Resolution but even any Alteration at the proper time (which is with us at the second Reading) of Our first, and perhaps unreasonable Intention, And would it not be absurd in Terms for us to tell you, what Our Resolutions are upon a Bill, which our House has not resolved upon: Our Unwillingness to gratify you is not a matter of Form but your Expectations strike so Essentially at our Priviledge as a distinct Part of Legislature, that we make not the least Question of being every where justified; and if you will not let us have the Bill for defence of the Province because we will not make so dangerous as well as Ridiculous a Precedent, we must chuse the least of two Evils which we Judge, by not contributing to A Session, 'till you will be pleased to send us the Bill for Arms &c^a agreeable to Our Conference, will be to continue our present Act for Arms and Ammunition for our defence

U. H. J.
Calvert
Paper
No. 735

p. 91

U. H. J. As what is now said goes to almost all the several Parts of your
 Calvert Message about the Duration of your Bills, we shall only repeat, that
 Paper No. 735 it will be time enough for us to shew the Reasonableness of any
 Alteration of their Duration, when we make it, and before that is
 done, we shall not give you or ourselves the needless Trouble to
 Justify it

We are singularly unfortunate, that when we endeavour by the
 strictest Watch on our Expressions to avoid every misbecoming
 Word towards your House or its Members you tax us with personal
 Reflections obliquely aimed at your members; But your own Con-
 sciousness, how little any of your Members deserve Reflection, will
 readily prevail with you to believe us when we Assure you of having
 no Intentions to reflect obliquely on any of you-

As We are sensible Your Duty obliges you to take care of the
 Province in every Respect, we are the more surprized at your
 Backwardness to send up to us the Bill for Arms &c^a since it is
 designed as a Provision against Our Enemies abroad and also
 against those which you speak of at home and against whom it is
 highly incumbent on both of us, to take a proper Care

And now Gentlemen We have only further to hope, that you will
 not press us any more on a Point, which we cannot consistent with
 our being a distinct part of the Legislature, give up; And if a Session
 can be had on no other Terms, we can only wish you had desired a
 less unreasonable Thing and which we cou'd with any Decency have
 submitted to: But however if you still persist to have that Informa-
 tion which cannot be given; as we are greatly desirous of passing the
 Bill for Encouragement of Levies for his Majestys Service, so as it
 may be done without destroying our only Fund for Defence of the
 Province We should be glad if you could think it expedient as
 Affairs now stand to revive and continue all the Acts now in Force
 for any Term whatever and to the end of the next Session, so that
 a present Session may be made to our mutual Satisfaction

Signed p Order John Ross Cl Up Ho.

p. 92 Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment Present as
 in the Morning

A Message from the Lower House by Mess^{rs} Smith and Wootton

By the Lower House of Assembly 31 May 1740

May it please Your Honours

We cannot conceive that what we insist upon, in any manner affects
 the Rights, or tends to render any Branch of the Legislature useless

or ridiculous, nor is it different from your own Conduct upon a late Occasion, where you actually withheld two of Our Engrossed Bills 'till we should satisfy your House in what you required by your Messages

U. H. J.
Calvert
Paper
No. 735

It is the not reading the Bills before you a second time, and sending them with the former Duration that We complain of, since that would remove all Obstacles to a Session

We are glad however, that without that Reading you have agreed the Duration We contend for is reasonable, by your offering it to us in the Conclusion of your Message of this Day; although the Conclusion annexed to that Offer is very extraordinary, Viz. that We should give Three Pence p hogsh^d for Arms &c although at your Honours Request, and by Consent of the Conferees and both Houses, Six Pence had been agreed to be absolutely necessary at this dangerous Juncture

Therefore as that would lessen the necessary Provision for Our present Safety against Our foreign and domestick, as well as contradict Our former Resolution about the Determination of Money Bills, We cannot agree to your proposed Expedient

You have now the Bill for Encouragement of his Majestys Levies in your Possession, and We have put it in your Power, by sending down Our other Bills with their usual Duration, to have that for Defence of the Province, so that we hope it will not be imputed to us that they are not passed into Laws

Signed p Order M Macnemara Cl. Lo Ho.

Adjourned till Monday Morning ten of the Clock

Monday Morning 2^d June 1740

June 2

This House met again according to Adjournment

p. 93

Present

| | | | |
|------------------------|---|----------------------------------|-------------------------------------|
| The hon ^{ble} | { | Benjamin Tasker Esq ^r | Co ^t Charles Hammond |
| | | George Plater Esq ^r | Co ^t Levin Gale |
| | | Edmund Jenings Esq ^r | Co ^t James Harris |
| | | Co ^t James Hollyday | Samuel Chamberlain Esq ^r |

Read the second time the Bill Entituled An Act for issuing and paying out of the Office of the Comm^{rs} or Trustees for emitting Bills of Credit established by Act of Assembly the Sum of £2562:10:0 Current Money in Bills of Credit, to be applyed for the Encouragement of Persons voluntarily enlisting themselves in His Majestys Service, and passed, and sent to the Lower House by Co^t Hollyday with the following Message

U. H. J.
Calvert
Paper
No. 735

By the Upper House of Assembly 2^d June 1740
Gentlemen

Whether what you have insisted, does or does not tend to render any Branch of the Legislature, that should comply with it, useless or ridiculous, we must appeal to every impartial Person, who will read the state of our present dispute in our Message of the 31st of May, where it cannot be said to be misrepresented; nor can we recollect any Conduct of this House at any Time parallel to Yours on this occasion

Whoever reads your former Messages, must conclude you differed with us, either because we had altered the usual Duration of your Bills on Our Table; or because we would not acquaint you, what alteration (if any) we intended to make: But by your Message of Saturday last, you seem to have found out, that you had mistaken the Cause of our Quarrel, for by that Message you tell Us, your Complaint is, "That we have not read Your Bills the second time" If so, pray what occasion was there for your long Reasoning, and harsh Conclusions on a Fact (*viz.* our Alteration of the Continuance of your Bills) which had not happened. And why have you so hastily taken for Granted, without any Information from your House that We should do it, as by Argumentations on your own Suspicions and Apprehensions, to put the Country to an Expence of near One hundred Thousand Pounds of Tobacco? But now truly it comes out, that you are not Angry with us, for having made or intended to make any Alteration in the Duration of the Bills, but only, Because we have not read the Bills a second time, and sent them to you with the former Duration" If we are blameable in
p. 94 this particular, We doubt not but you will on a very little Recollection be so candid as to acknowledge such an Objection lies much stronger against your selves; If we have been faulty for not Reading a second time and sending to you Bills to which this House has in no Shape hitherto agreed, how will you be excused, for not reading the second time (for ought We know) and not sending up to Us a Bill, on every part of which the Two Houses by their Conferees have signified their Concurrence A Bill which is of so great Importance as to make some better Provision for Defence of the Province in these Dangerous Times of War, and a Bill which together with another Bill employed us the first four Weeks of Our Meeting, at the expence of near 300000^l of Tobacco to the Country, before the two Houses could agree on the Heads, and which we were always understood and intended to be dispatched in the first place, and to accompany each other; But you have now taken up near Ten days, and at 100000^l of Tobacco Expence to the Country in disputing whether you should send up one of those Bills.

It is your Behaviour Gentlemen, in keeping back this Bill under all these Circumstances that alarmed Us and put us upon our Guard

to secure if we could a Fund for Our Defence; and upon this Principle We have hitherto refused to take any steps, to destroy by a Session the only Provision We have for that Purpose, unless we could be sure another might be depended on; which, after your delay to dispatch a Bill for the same End, agreed on in all its parts by the Conferees of both Houses, we have good Reason to think very precarious

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If you will be pleased to reconsider our last Message, and the Expedient there mentioned, you will readily understand it in the Sense intended by us, which was, that rather than be without an Act to encourage Levies for his Majestys Service, it might be thought advisable to make a Session, provided all such Acts as would determine by a Session, might be continued in the same Plight and condition, they must be, if there should be now no Session, which would be by reviving them for any Time (tho ever so short) and to the end of the next Session; And this Expedient We imagined would be better than no Session and no Levy Act; not that we preferred Three Pence to Six Pence for Defence of the Province, but because, without a Session there wou'd be only Three Pence and by the Passage of any Bill, whilst you keep in your House the Bill Agreed on by the Conferees we might from the present Appearance of Your Conduct fear losing even that Three Pence: But since you profess yourselves unwilling to lessen Our Provision against Our Foreign and Domestick Enemies from the Six Pence you have agreed to to the Three Pence you have endeavoured to take from us, we doubt not but you will immediately send up the Bill for Six Pence, which is agreed by the Conferees of both Houses to be determined as you have desired p. 95

It is true, Gentlemen, we have (as you say) the Bill for Encouragem^t of his Majesty's Levies in our Possession, and we must own you have had the Address, from your own Knowledge of our unshaken Duty and Affection to the best of Kings, and of our sincere zeal for whatever may contribute to his Glory, and the Prosperity of Our Mother Country, to work upon us by those irresistible Motives, and therefore you sent to us that Bill in Order that a Session might be made, We have hitherto endeavoured to prevail with you that A Session might be made to our mutual Satisfaction, we have not been able to procure your Compliance with us in that respect and therefore as the greatest Testimony we can in this Case give of our Affection to his Majesty and Chearfulness in his Service We have passed the Bill agreed to by the Conferees of both Houses for Encouragement of his Majestys Levies; In return for which we cannot but expect from your avowed Loyalty to his Majesty, and Attachment to Our present happy Establishment, an immediate Dispatch of the Bill for Arms, &c^a for Defence of this part of his Majestys Dominions, agreeable to the Report of the Conferees of both Houses; And in Order

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that we may proceed to some other Business than sending Messages backwards and forwards, we do tell you plainly, our unalterable Resolution is, not to read any other Bill on our Table, before you send us the Bill for Arms &c^a agreeable to the Conferees Report; from this fixed Determination we will not recede on any Consideration whatever, and therefore every minute employed about Messages before that is sent to Us, will be trifling away our own Time and the Countrys Money

Signed p order John Ross Cl Up Ho.

A Message from the Lower House by Mess^{rs} Lloyd and Sprigg.

By the Lower House of Assembly 2^d June 1740

May it please Your Honours

We think this Session too far spent to consider the Purport of your Message of the 30th of May last by Co^t Hammond and propose the Consideration thereof may be referred to the next Meeting of Assembly

Signed p Order M Macnemara Cl Lo H.

The following Message is sent by Edmund Jenings Esq^r

By the Upper House of Assembly 2^d June 1740

p. 96 Gentlemen

As your House, in a Message to Ours the ninth of June last, in Relation to the three pence p hogshead on Tobacco for Arms &c alledged, that upwards of £2500 Sterling, raised by that Duty, was unaccounted for in any manner. We desire you'l appoint some of your Members to joyn some of Ours to examine into the State of that Fund, and how the money raised thereby has been applied since the Administration of the Government of the Province was last restored to the Right honourable the Lord Proprietor, that Justice may be done as well to the Country, as the Characters of those Gentlemen concerned in laying out the said Money

Signed p Order John Ross Cl Up H.

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment Present as in the Morning

Adjourned till to Morrow Morning ten of the Clock

Tuesday Morning 3^d June 1740

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June 3

This House met again according to Adjournment Present as yesterday with the Addition of Major General Matt^w Tilghman Ward

An Engrossed Bill from the Lower House by Col King and Eleven Others, Entituled an Act for issuing and paying out of the Office of the Commissioners or Trustees for emitting Bills of Credit established by Act of Assembly the Sum of 2562:10:0 Current Money in Bills of Credit to be applyed for the Encouragement of Persons voluntarily inlisting themselves in his Majestys Service thus subscribed

3^d June 1740

Read and Assented by the Lower House of Assembly

Signed p Order M Macnemara Ct Lo H.

Read and assented to by this House and ordered to be so subscribed the Paper Bill so Endorsed is sent to the Lower House by Benj^a Tasker Esq^r

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment Present as in the Morning

The following Message is sent by George Plater Esq^r

By the Upper House of Assembly 3^d June 1740

Gentlemen

p. 97

We are under a necessity of reminding you that in one of your Messages last Convention, you asserted that £2500 Sterling of the Three Pence per Hogshead for Arms, &c^a was unaccounted for in any manner this Message was Printed among your Proceedings, and not only dispersed all over the Province, but also carried into some of the Neighbouring Colonies; no man who read that part of Your Message could imagine, that a Lower House of Assembly would without any Foundation charge a Governor and Council with so great a Crime as Embezzling Publick Money, and yet there was not the least Foundation for that Charge, and we make no doubt but that you are fully convinced that there was not, nor could possibly be without the Connivance at least of former Lower Houses before whom you know it has been the Custom to lay the Accounts of that Fund every Sessions of Assembly, and from whose Inspection it was impossible to conceal such a Sum, or any thing like it out of a Fund that raised but about 300[†] communibus Annis; we have mentioned this thing to you more than once this Session, and

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desired that the proper Enquiry might be made into it, that Our Innocence may appear to those who have been so far misled by the Injustice you have done us, as to think us guilty of one of the greatest Crimes; But we cant but with Concern observe you take but little notice of it, which can proceed from no other Motive but a very strong Inclination in you to fix an Odium upon us, tho you are convinced in your own Consciences we do not deserve it; we are therefore in order to Vindicate our own Characters obliged to call upon you again to Examine the several Accounts of the Three Pence per Hogshead for Arms, &c^a which we are well Assured has not been dishonestly or unjustly disposed of and we shall not omit any opportunity of calling upon you to this Purpose till the matter is put in a clear Light

Signed p Order John Ross Cl Up H.

Cot Gale and Samuel Chamberlain Esq^r are sent to the Lower House to acquaint the Speaker that His Excellency requires him and the Rest of the Members of that House to attend him immediately in the Upper House to see the Bill passed Both Houses this Session receive the Assent

The whole House attend and by their Speaker present to His Excellency the following Bill

p. 98 An Act for issuing and paying out of the Office of the Commissioners or Trustees for emitting Bills of Credit established by Act of Assembly the sum of £2562:10:0 Current money in Bills of Credit to be applied for the Encouragement of Persons voluntarily enlisting themselves in his Majestys Service

Which was signed by his Excellency the Governor and assented to on behalf of the Right Honourable the Lord Proprietary and sealed with His Lordships Greater Seal at Arms; after which his Excellency makes the following Speech

Gentlemen of the Upper and Lower Houses of Assembly

As Your chearful Dispositions to contribute by the Bill, which I have now passed into a Law for the forwarding his Majestys Service, give me great Pleasure; I must own my Concern and Surprise not less, to find that you, Gentlemen of the Lower House, should be in the least backward to dispatch a Bill, which in all its Parts has been agreed to by the Conferees of Both Houses, for raising a Fund for Defence of this Province, and which you Your selves in the Course of this Session have frequently acknowledged to be absolutely necessary at this Juncture of Affairs; Perhaps the Reasons you alledge for keeping back that Bill, will, at some time or another, appear to be not so cogent as to deprive the Province of a necessary Fund for It's Defence in these dangerous Times of War; Nor will perhaps the Consequence of Your not passing this Bill, which will

be the Certain Loss of Your present Temporary Laws, be so trifling or inconsiderable to your Constituents, whatever some of you may now think, as to perswade them, you have made a good Bargain by procuring an Expiration of all Your own temporary Laws, for the sake of dropping Two or Three Laws agreeable to the Government, and especially the Act for Defence of the Province; nor can I think the Conduct of the Upper House (who in Our Constitution is placed between Government and People) unreasonable, in keeping under their own Power Bills useful to the People, in Order that they may make sure of such a Bill as regards the common Safety of the whole Province; and which Your House withholds from a Passage into the Upper House contrary to the joint Agreement of the Conferees of Both Houses confirmed from time to time in the Course of that Conference by Each House; And I hope I may make this Observation, that in all Governments Laws grateful to the People and Government will be always expected to go Hand in Hand

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I have the Good and Happiness of the Province so very sincerely at heart, that I cannot help recommending to you, Gentlemen of the Lower House, to withdraw to your House, and consider in what Situation you will leave the Province, both with Regard to the Defence of it and the Condition of Your Laws, should you still persist in keeping back the Arms &c.

But I must further observe to you, that as a Commission out of the high Court of Chancery in Relation to the Bounds of this Province, is to be executed next Monday at the head of the Bay, where the Attendance of some of the Members of the Upper House is absolutely necessary, I must request you will either dispatch your Business this Week, or that Both Houses may adjourn for a Fortnight, otherwise I shall be under a Necessity of ending the Session by a Prorogation

The following Message is sent by Samuel Chamberlain Esq^r

By the Upper House of Assembly 3^d June 1740
Gentlemen

We have considered Your Message of 27th of May, in Relation to M^r Charles Sewall, and think it very just, either to make him Satisfaction for his Land, or to purchase it for him of the Indians; if you chuse the first We desire that you will make him an Allowance in the Journal of Accounts; if the last, that You will appoint such of Your Members to make the Purchase as you think proper, but in both Cases We recommend an Allowance for the Expences he has been at about this Affair to your Consideration

Signed p Order John Ross Cl Up H.

Adjourned till to Morrow Morning ten of the Clock

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June 4

Wednesday Morning 4 June 1740

This House met again according to Adjournment Present as
Yesterday

A Message from the Lower House by Mess^{rs} Henry and Wright

By the Lower House of Assembly 4 June 1740

May it please Your Honours

We can with the greatest Sincerity assure your Honours that We never had the least Intention to fix an Odium on you, or in any manner to sully the Characters either of his Excellency, or any of
p. 100 Your House, by what was said in Our Message of the ninth of June last, concerning the 2500^l raised by the Three Pence p^p h^h^d unaccounted for, and are truly sorry that either the Governor or any of you should take it in that Sense

It is clear by that Message, that the 2500^l was meant of the Money raised before his Excellency came to the Government since We at the same time mentioned the 2250:11:2 Sterling and £34:13:7³/₄ Current Gold in Bank, in which last Sums may be included the Ballance of the Money raised during his Administration, and it would have been ridiculous as well as unjust in Us, if there had been an Imbezlement (which by the Bye, the Words unaccounted for cannot imply) to have charged his Excellency or your Honours with it, since for any thing We know, none of that Money came into Your Hands

By the Return of some of Our Members at the last Convention we were in a State of Great Uncertainty as to the Application of that Sum of Money, and upon the strictest Enquiry made into the Affair by some who have been now appointed, We are still unsatisfied therein; We presume that by inspecting the Minutes and Proceedings of Council in the Times when the Money was raised, the Matter may be set in it's true Light, therefore We have appointed Co^t Robert King Major Edward Sprigg Mess^{rs} Vachel Denton, Turnor Wootton and Walter Smith to joyn such of Your Members as you shall name, to examine into the State of that Fund, that Justice may be done to the Country as well as to the Characters of those concerned in laying it out.

Signed p^p Order M Macnemara C^t Lo H.

Mess^{rs} Matthews and Sheredine from the Lower House attend with M^r Richard Gist a Member elected for Baltimore County in the Room of M^r John Moale deceased, who takes the Oaths to the Government appointed to be taken by Act of Assembly of this Province, and subscribes the Abjuration and Test and then withdrew

The following Message is sent by Co^t Hammond

By the Upper House of Assembly, 4 June 1740

Gentlemen

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We have appointed Benjamin Tasker Esq^r Co^t James Hollyday and Co^t Levin Gale Members of Our House to joyn Mess^{rs} King, Sprigg, Denton, Wootton and Smith Members of your House as a Committee to examine into the State of the Fund for Arms and Ammunition who will be ready to attend for that purpose in the Conference Chamber to Morrow Morning p. 101

Signed p Order John Ross Ct Up Ho.

Adjourned till to Morrow Morning ten of the Clock

Thursday morning 5th June 1740

June 5

This House met again according to Adjournment Present as Yesterday

Adjourned till two of the Clock in the Afternoon

Eodem die post Meridiem

This House met again according to Adjournment Present as in the morning

George Plater and Edmund Jenings Esq^{rs} are sent by the Governor to require the immediate Attendance of the Speaker and the Lower House in the Upper House

The Speaker and the Lower House attend accordingly and his Excellency is pleased to make the following Speech

Gentlemen of the Upper and Lower Houses of Assembly

As you had so fully expressed your Sense of the dangerous Situation of Our Affairs, in your several Messages to each other I was in great hopes of your concerting some wise and effectual Measures for the Safety and Security of the Province, in case of an Invasion from abroad or an Insurrection of our Negroes at home, or both together which may possibly happen, If We should have the Misfortune of a War with France, which is so greatly to be apprehended But since I find to my great Concern, that you have not done any thing to strengthen the Hands of the Government in this very critical and dangerous Juncture, nothing remains for me to do but to make the best use I can of the Power already entrusted with me, which I shall always employ, with the utmost Sincerity and Zeal in the Service and Protection of the good People of this Province and I cannot but flatter my self that I shall meet with the hearty Assistance of all you Gentlemen in your several Stations, and of all other true Well Wishers to the Prosperity of your Country

U. H. J. And now Gentlemen nothing remains for me to do but to Pro-
 Calvert rogue you I have therefore thought it proper by the Advice of His
 Paper Lordships Council of State, to Prorogue this Assembly to the first
 No. 735 Tuesday in November next and you are to take notice you are
 Prorogued to that day accordingly.

Thus endeth This Session of Assembly begun and held at the City
 p. 102 of Annapolis on Wednesday the 23^d day of April and ending the
 fifth day of June following in the twenty Sixth year of his Lordships
 Dominion and in the Thirteenth Year of his Majestys Reign Annoq
 Domini 1740

Jn^o Ross Cl.

The following Addresses of the Lower House of Assembly pre-
 sented to his Excellency this Session and the Governors Answers
 thereto are Ordered here to be Entered

May 13 Gentlemen of the Lower House of Assembly

As the present Situation of Our Affairs, requires the Government
 to do every thing in its Power to put the Country into the best State
 of Defence, I have with the Concurrence of the Council thought it
 necessary to send immediately to Great Britain for a large quantity
 of good and Serviceable Arms, with a proportionable Quantity of
 Ammunition; but the present Laws for regulating the Militia not
 being Sufficiently clear in their directions about distributing Our
 Arms and Ammunition throughout the several Counties, the
 Colonels not being willing or obliged to make themselves answer-
 able for them, and there being no Place of any Strength or Security
 in this City to lodge them in, I am very desirous of having your
 Advice and Assistance in an Affair of so very great Importance to
 the Province

Sam: Ogle

May 15 To his Excellency Samuel Ogle Esq^r Governor of Maryland

The humble Address of the House of Delegates of the said
 Province

May it please your Excellency.

We are very well pleased to find by your Excellency's Message of
 the Thirteenth Instant, that with the Concurrence of the Council, you
 have sent for a large quantity of good and serviceable Arms with a
 proportionable Quantity of Ammunition, not only as we presume the
 People will be well Satisfied to find that the money raised upon them
 for that purpose, is properly applied and that they may thereby be
 put in a better State of Defence in Case of any Danger, but also
 that their Delegates when those Arms and Ammunition are Im-

ported will be more Capable of Judging what further may be wanting for the Safety of the Province and so to make suitable Provision for the same

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We cannot help observing that the Militia Laws now in being give very large Powers to many of the Officers and therefore We should be unwilling to consent to any thing that might in any manner enlarge that Power, unless the Safety of the Country at any particular Juncture required it, Nevertheless We assure your Excellency we shall deliberately consider any Proposition you shall make for the better distribution and Security of the Provincial Arms and Ammunition, and give any Advice and Assistance in that Affair as We shall think agreeable to your Excellency and Conducive to the Welfare of the Province. p. 103

Signed by Order and on Behalf of the House
Philip Hammond, Speaker

Gentlemen of the Lower House of Assembly

June 2

I have considered your Address in Answer to my Message of the 13th of last month, relating to our Arms and Ammunition, and could have wished to have had your Advice and Assistance in the Points I proposed to you, the security of the Arms and Ammunition at present in the Province being as necessary to be thought of as the disposal of any farther Supply that may be expected

However since you assure me you will deliberately consider of any Proposition I shall make for the Distribution of the Provincial Arms and Ammunition, and give such Advice and Assistance in the Affair as you think conducive to the Welfare of the Province, I shall make no Scruple of telling you my opinion very candidly and freely; which is that the Safety of the Country can never be sufficiently provided for without one good Magazine at least, of such Strength as may effectually secure Our Arms and Ammunition from whence they may be distributed from time to time as our occasions require, and this opinion I believe you will find Conformable to Instructions heretofore sent from the Crown to former Governors of this Province

There is another thing Gentlemen, which I must recommend to your serious Consideration, and that is the State of Our Militia; upon the most carefull Perusall of our Laws for the Regulation of it I cannot find any sufficient Obligation upon either Officers or private men to take the Field, and behave as they ought to do in defence of their Country against an Invading Enemy.

I need not say anything of the Power of Our Enemies; it being but too common to hear that Subject enlarged upon, even by such Gentlemen as are the most averse to our making any manner of Preparation for our defence against them, but I hope all hearty

U. H. J. Well Wishers to the Prosperity of the Province will think it but
 Calvert Prudence in us to be upon Our Guard, and to Arm Ourselves in
 Paper the best manner We are able, which will not only be of great Advan-
 No. 735 tage to us in Case of an Actual Invasion, but be the best means of
 preserving us from so great A Calamity

Sam: Ogle

June 3 To his Excellency Samuel Ogle Esq^r Governor of Maryland
 p. 104 The humble Address of the House of Delegates of the said
 Province.

May it please your Excellency

We should very willingly have Entered upon the Consideration of the matters proposed in your Message of the second Instant was there any Probability of having the Result of that Consideration Pass into a Law this Session if such Law should be thought necessary

But since the Upper House keeps from us all Our Bills, most of which have been there almost a month, and still refuse them a second Reading, unless upon Terms which we in Justice to Our Constituents cannot agree to, so that there is no Appearance of any further Business being done at this Time; we pray your Excellency to Excuse us from entring upon an Affair which requires so great deliberation at a time when Six Weeks have been spent with the passing of only one Bill, and our private Affairs necessarily call us to our Respective Habitations

When your Excellency shall again be pleased to call us together, and the present difficulties are removed, we shall gladly comply with your desire in the mean time, we are in hopes that there may be found Room enough in the Publick Buildings to Lodge more than the few Arms We have now at this Place till a more favourable Opportunity offers of providing a proper Recepticle for them; and we also find in one of the present Militia Acts a Provision that Persons Prest or inlisted in Case of Foreign Invasion, refusing upon their Officers Commands to appear and serve in Arms, are Subjected to Prosecutions in the Provincial Court to be fined and Imprisoned at the Discretion of that Court which we hope will suffice at present for common Soldiers, and as for those who have accepted Commissions We cannot doubt but they will from a Principle of Honour be Sufficiently prompted to pursue your Excellencys Commands without any Compulsory means

Signed on Behalf and by Order of the House

Philip Hammond, Speaker

Gentlemen of the Lower House of Assembly

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June 3

I was in great Hopes you would have entered upon the Consideration of the matters proposed in my message of the second Instant as you had assured me that you would deliberately consider of any Proposition I should make for the better Distribution and Security of the Provincial Arms and Ammunition, and give any Advice and Assistance in that Affair as you shall think agreeable to me, and continue to the Welfare of the Province

The Result of any Consideration upon these matters may easily and in a short time be passed into a Law besides the Arming Our Selves in a proper manner and putting Our Militia into such a condition as may enable them to withstand regular Troops as may Attack Us in an Affair of such great Importance to the Safety and Security of the People of this Province, and the Preservation of this part of his Majestys Dominions that it would well merit the calling together of An Assembly if there was no other Business whatsoever to be laid before it. The general Preservation of the province with all Our lives and Properties, is certainly a Point of infinitely greater Importance to Ourselves as well as Our Mother Country, than all other things under our Consideration at this time, however they may be enlarged upon & magnified p. 105

But if you think the Provision in one of the Militia Acts "whereby Persons Prest or Inlisted in Case of a Foreign Invasion, refusing upon their Officers Commands to appear and Serve in Arms, are Subjected to Prosecutions in the Provincial Court, and to be fined and imprisoned at the Discretion of that Court," is sufficient to instruct and discipline Militia, and enable them to withstand regular Troops, however mistaken you may be in such Notions, I have nothing to do but to acquiesce having nothing further in my Power but to give my Assent to any Law that you may think further necessary for that Purpose

Sam: Ogle

To his Excellency Samuel Ogle Esq^r Governor of Maryland

June 4

The humble Address of the House of Delegates of the said Province

May it please Your Excellency

We return your Excellency hearty Thanks for your Readiness in passing the Bill for Encouragement of his Majestys Levies into a Law a Thing very agreeable to this House

It gives us no small Concern, that after the most solemn Protestations and Assurances We have given to the Contrary we should by your Excellency be suspected of an Intention to keep Back the

U. H. J. Bill for Arms and Ammunition or to deprive the Province of a necessary Fund for its support when We can with Truth assure you, that
 Calvert Paper
 No. 735 there is not a Member in this House against that Bill

p. 106 It is very true that upon intimation given us that the Upper House intended to alter the usual Duration of several Bills sent to them We resolved to keep in Our Power that Bill for Arms, &c^a in Order, as your Excellency is pleased to Express it, to make Sure of those Bills with their Accustomed Duration, wherein the Interest of the Country and the Administration of Justice are so nearly Concerned, and altho this may look like a Restraint on that House, which they say is inconsistent with their Priviledge as a Branch of Legislature, it is not more than what they have done to Our House in this and former Assemblies; For in the very First Message sent us this Session, they tell us they would not Pass any Bill whatsoever, until we should send them another in the manner they required If it be true (as we hope will never be denied) that the Priviledges of the Delegates of Maryland duly elected and Convened According to the express Terms of the Royal Charter and Laws of the Country, are at least as Sacred and as little to be violated, as those of the Upper House, who we doubt cannot shew the like Vouchers for their taking a Share in the Legislature; It is strange that that Conduct should be reckon'd Irregular, Unparliamentary or Unreasonable in Us, which even by your Excellency is said to be Reasonable in them

We are told this Intimation was not given us from their House, and therefore We are Irregular in taking such notice of it: but We submit it to your Excellency's Judgment, whichever way the Information came, whether the Event doth not fully shew Our Fears to have been well grounded by their refusing to give us any Satisfaction in the matter, and having resolved never to give Our Bills a second Reading until We should send up this other Bill; and We think therefore it would have been a Trespass upon Common Prudence in us to part with the only apparent Means left us of procuring those useful Laws when the Contrary Conduct in the Upper House is Justified by your Excellency

We could have very sincerely wisht this Practice had never been between the two Houses, but every one who reads Our Proceedings must Acknowledge it took its Rise in the Upper House, and it is to prevent any thing of the Kind for the future, to maintain and support the Priviledges of the Delegates, and to preserve to them a freedom of Action that we are Obliged now to submit to the Inconveniency of having Our Temporary Laws cease for a while, rather than come into such Measures as must in their Consequence render our having any Laws whatsoever precarious to depend solely on the Will of An Upper House, and to be purchased at any price it should be thought

fit to put upon them whereby a Lower House would become nothing other than a bare name

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We desire nothing else than that the Bills now in Question grateful to the Government and People should go Hand in Hand: Let us be assured of the one, the other shall immediately be dispatcht and if after this the Country should be deprived of the Useful Laws now in the Upper House and of the Fund for its defence, we can (we think) very safely trust it to impartial and disinterested Men to Judge at whose Door the Inconveniences that may happen must lie

Altho it be most certainly our Duty to do all that's in Our Power for the Interest of Our Constituents, yet We cannot think that Duty peculiar to us alone, for as the Welfare of the People is the end of all Government it must necessarily be incumbent on every Branch of the Legislature Jointly to pursue that end, and not to go to bargaining with one another for what is their undoubted Right; But since that seems to be the case we must rather chuse to go without part of that Right for a time than buy it at so high a Price as would make the House of Delegates for ever Dependant on his Lordships Council

In this unhappy Situation therefore We most earnestly desire your Excellency's favourable Interposition, to prevail with the Upper House to proceed with us in the usual manner by sending us Back Our Reviving and Re-enacting Bills with their former Duration, or if that cannot be effected that you will be pleased to dismiss us in such manner as Your Excellency shall think fit

Signed on Behalf and by Order of the House

Philip Hammond, Speaker

Gentlemen of the Lower House of Assembly

June 5

I have considered your Address delivered to me Yesterday by Mr Speaker with all the Carefulness and Attention that I am capable of and must candidly own to you that it seems to me rather composed in a specious manner to throw some Blame on the Upper House and Myself, in relation to the Dispute between the two Houses, than to place the said Dispute in an Exact Light, as it stands in the several Messages that passed on the Subject.

For to avoid all unnecessary Words, the sole Point in dispute appears by the said Messages to be plainly this, whether you did Right in keeping Back A Bill, which had been Agreed on by the Conferees of both Houses and approved of by each House, in order to Oblige the Upper House to pass Your Bills on their Table in what manner you pleased

The Upper House insists upon it that you did not Act right, & that such a Proceeding has a plain Tendency to render the Upper House not only an useless but a ridiculous Branch of Legislature,

U. H. J. since it would make their Submission absolutely necessary to what
Calvert you should be pleased to Exact from them
Paper

No. 735 Thus stands the Dispute between the two Houses, nor can I find
by any of the Messages or otherwise, that the Upper House ever
intended to deprive you of One Bill grateful to the People, but that
those Bills and the others for the necessary Support of Government
should go hand in hand, as you say your desire is

p. 108 As for my self, I must own I did express my Concern and Sur-
prize at Your keeping Back A Bill so formally agreed upon but what
you mean by saying " that the same Conduct in the Upper House is
said by me to be reasonable," I must Confess myself wholly at a Loss
to know, not being able to recollect, that either House ever did the
like thing before however they may have kept back other Bills not
agreed to by Conferees of both Houses, which I believe has been
indeed a common Practice in both Houses

But what Surprizes me the most of all is your saying " it gives
you no small Concern that after the most Solemn protestations and
Assurances you have given to the Contrary you should by me be sus-
pected of an Intention to keep back the Bill for Arms and Ammuni-
tion," when in fact the whole dispute depends upon your declaration
of your Resolution to keep Back the said Bill until the Upper House
should send down to you such of those other Bills as they should
think fit to pass, with the usual Duration

Upon the whole as the Upper House has declared it their unalter-
able Resolution not to read any Bill now on their Table, before you
send to them the Bill for Arms &c^a agreeable to the Conferees Report

I cannot see how you can expect my prevailing upon them, was I
ever so Sollicitous so to do, to depart from it, so that if you are still
resolved to keep Back the said Bill, nothing remains for me to do
but to Prorogue the Assembly as you seem rather to Chuse that
than to Adjourn Yourselves as I proposed to you

Sam: Ogle

To his Excellency Samuel Ogle Esq^r Governor of Maryland

June 5 The humble Address of the House of Delegates of the said
Province

May it please your Excellency

As we do not know that you had any Share in the present dis-
pute between the two Houses so neither in Our Opinion is there
any thing in Our Address which throws the Blame of it on your
Excellency; that Blame must lie on the one House or the other, and
We must leave it to those who are indifferent to both, to say who
should bear it.

After so much has been said on both Sides it might be improper to trouble your Excellency with any thing further on the Subject, than by saying that We look upon it as Our Duty to be as Tenacious of Our Priviledges, as the Upper House can be of theirs; and that the frequent Renewment of Bills, which with General Approbation have been in use for many years, give them as great a Sanction as any Agreement of Conferees can to a new one

U. H. J.
Calvert
Paper
No. 735

As therefore we are well convinced, that We are Acting for the present as well as future Interest of the People, and the Preservation of their Rights and Priviledges, and that the due Administration of Justice at home, is altogether as necessary for Our Welfare, as the defence from our Enemies abroad, We cannot depart from our former Resolution of keeping back the Bill for Arms and Ammunition 'till We have those other necessary ones from the Upper House with their Usual duration; and submit to your Excellency to do with us as you shall think proper

Signed on Behalf and by Order of the House

Philip Hammond, Speaker

Thus Endeth This Session of Assembly begun and held at the City of Annapolis on Wednesday the 23^d Day of April and Ending the 5th Day of June following in the twenty sixth Year of his Lordships Dominion and in the thirteenth Year of his Majestys Reign Annoq Domini 1740

U. H. J.
Lib. No. 33
p. 706

Jno Ross Cl

PROCEEDINGS

THE LOWER HOUSE OF ASSEMBLY

L. H. J. At a Session of Assembly Held at the City of Annapolis on
 Lib. No. 46 Wednesday the Twenty third day of April In the year of Our Lord
 April 23 God 1740 and in the 26th year of the Dominion of the Right Honour-
 p. 1 able Charles Absolute Lord and Proprietor of the Province of Mary-
 [Proroga- able Charles Absolute Lord and Proprietor of the Province of Mary-
 tions are land and Avalon Lord Baron of Baltimore by several Prorogations
 mentioned from the Twelfth of June last Appeared In the Lower house of
 in 28 Ar- Assembly the following Members.
 chives
 Council, pp. 175, 183, 188,
 203. During
 the Session
 the Council
 met on April
 28, May 2,
 6, 9, 21, 25,
 and June 5.]

For St Mary's County

M^r James Waughop

For Kent County

M^r George Willson

M^r William Harris

M^r Charles Hynson

For Ann Arundell County

Doctor Charles Carroll

M^r Philip Hammond

M^r Vachel Denton

For Calvert County

M^r Walter Smith

M^r Joseph Hall

For Charles County

M^r William Middleton

Coll^l Robert Hanson

M^r Bayne Smallwood

For Somerset County

For Talbot County

M^r Robert Loyd

M^r William Thomas

For Cecil County

Coll^l Thomas Colvill

M^r William Rumsay

M^r Benjamin Pearce

For Baltimore County

M^r Thomas Sheredine

M^r John Moale

M^r Roger Mathews

Cap^t Richard Caswell

For Prince Georges County

Major Edward Sprigg

M^r Turnor Wootton

M^r Osborn Sprigg

M^r John Magruder

For the City of Annapolis

For Queen Anns County

M^r Grundy Pemberton

M^r Thomas Wilkinson

p. 2 A Sufficient number of Members being met to Compose A house
 of Assembly Coll^l Hanson and M^r Mathews went to Acquaint his

Excellency the Governor therewith And further that Coll^l John Mackall who was Speaker is Deceased. L. H. J.
Lib. No. 46

Benjamin Tasker and George Plater Esq^{rs} from the upper House Acquaint the Members of this House that his Excellency the Governor requires their Attendance in the Upper House Immediately.

The Members of this house went to the upper House.

The Governor Ordered them to Return and make Choice of A Speaker.

The Members Return and unanimously make Choice of M^r Philip Hammond to be their Speaker and placed him in the Chair.

Coll^l Hanson and M^r Mathews Ordered to Acquaint the Governor A Speaker for the Lower house of Assembly is Chosen.

Edmund Jenings Esq^r and Coll^l Hammond from the upper house Acquaint the Members of this house that the Governor Requires them to present their Chosen Speaker

M^r Speaker left the Chair.

The Members of this House went to the upper House and presented M^r Philip Hammond for their Speaker who declared in the following words.

May it please your Excellency.

The Honourable the lower house of Assembly for the Province of Maryland now stand before you upon an occasion which if their Wishes had prevailed would not have happened

They see themselves deprived of the Service of an Ancient and valuable Member One who for some time heretofore Presided in this Chair with honour to himself and advantage to the Publick this they Esteem as real Misfortune which Misfortune Sir I fear will be Rendered more General as they have In Obedience to your Excellencys Directions proceeded to Choose and are now about to present me their Speaker to Succeed him

I am perswaded that their Candour towards me upon this Occasion has prevailed with them to overlook my weakness and Incapacity for if they had Considered my Infirmities whenever they had thought of the nature and Importance of the Office they Could not but have discovered me to have been a person unable to discharge the Duties of it in any Tollerable Manner. From the Just sence therefore that I have of my own Insufficiency as well as from A Regard of that Duty which I owe to my Country and that the Publick Business may not be Impeded by any Irregular or Imperfect Execution of that Difficult Employment I find myself under A necessity to Intreat your Excellency's kind Intercession with that Honourable House to take A Review of themselves and to fix their Choice upon some other one among them who may be better Able to Discharge

L. H. J. the Duties of their Speaker as well as be much more worthy of your
 Lib. No. 46 Approbation.

To which his Excellency was pleased to Reply that he could not but Commend the Conduct of the house and Approve of him as Speaker.

When afterwards M^r Speaker proceeded in the following manner

Sir as it is your Excellencys pleasure to Confirm their Choice it is now become my Duty to Accept the Office and in the discharge thereof I shall Endeavour to Approve my selfe an Equal freeman Zealous in the Interest of the Lord Proprietary as well as in that of my dearest Country.

I am now on Behalf of that Honourable House which placed me here to Require the free use of all those their accustomed Rights and privileges as they hitherto have and as they ought to be Enjoyed in Assembly all freedom as to our Persons all freedom of Speech and A free and Easy Access to your Excellency's Person In all Cases of Importance that may require it.

I shall Trespass upon your Patience Sir but for one moment longer untill I Observe

That I take it to be A fact universally allow'd that there never was a Legislature of this Province if Considered in Every its distinct and Severall branches Composed of more Able and more Eminent Members than is the present and that no Assembly of this Province was ever calld together at A Juncture that required the utmost Exertion of such Extraordinary Qualifications more than does the present that never more was Expected from A Session of Assembly or Ever did the Publick Affairs of the Province much more Require somewhat to be done in order to heal the differences and reconcile the Jarring Interests of the Lord proprietary and his faithfull Tennants.

May then Sir A happy Event Result from our Consultations May the Effects of our proceedings Every way Answer the great Occasion and the great End of our being Called together May they Contribute Greatly Contribute Sir to the honour of his Lordship the Satisfaction of your Excellency and the peace and well being of the People of Maryland.

The Governor made the following Speech (See page 424.)

M^r Speaker and the other members returned to the Lower House
 p. 7 M^r Speaker reassumed the Chair

Ordered that M^r Speaker Issue his warrant to the Secretary of the Province to make out writs of Election directed to the Sherriff of Ann Arundell County to Elect A Member to serve in this Assembly In place of Cap^t Thomas Gassaway Deceased one other Directed to the Sheriff of Calvert County to Elect A Member In place of Coll^l John Mackall Deceased and one other Directed to the Sher-

riff of Queen Anns County to Elect A member in Place of M^r Solomon Clayton Deceased

L. H. J.
Lib. No. 46
p. 8

The House Adjourns to the morrow morning 9 of the Clock

[Thursday] Morning April the 24th 1740

April 24

The House met According to Adjournment. The Members were Call^d Over all the Members that were present yesterday Appeared.

Daniel Dulany Esq^r and M^r James Weems Appeared in the house this Day.

M^r Dulany on his Application hath leave of the house to be absent for A few Days

The House approved the Rules observed last Convention Ordered the same be Observed this Session.

Ordered M^r Denton Acquaint the Reverend M^r Sterling that this house requires him to read Divine Service morning and Evening During this Session.

The House Continued and Appointed M^r Walter Smith Coll^l Hanson M^r Magruder and M^r Hynson A Committee of Elections and privileges.

M^r Dulany Do^r Carroll, M^r Denton, Coll^l Hooper M^r Calder M^r George Coll^l Colvill and M^r Henry A Committee of Laws.

M^r Walter Smith, Coll^l Hanson, Coll^l Hooper A Committee to inspect into the Arms and Ammunition and Accounts Relating thereto.

M^r Mathews M^r Stoughton M^r Goldsborough M^r Magruder M^r Wright Do^r Carroll, M^r Moale M^r Willson and M^r Osborn Sprigg A Committee of Aggrievances and Courts of Justice.

Coll^l King M^r Denton Majo^r Sprigg M^r Sheredine and M^r Wootten A Committee of Accounts.

M^r Moale, M^r Trippe Coll^l Colvill M^r Edward Lloyd M^r Caswell and M^r Rumsey A Committee to inspect the Accounts and proceedings of the Commissioners for Emitting Bills of Credit Established by Act of Assembly.

M^r Denton Acquaints M^r Speaker he informed the Reverend M^r Sterling with the Request of the house and that he promised to Comply therewith.

M^r Denton from the Committee of Accounts Acquaints M^r Speaker they had made Choice of M^r Richard Dorsey for their Clerk the house approved the Choice

The house Adjourns to 2 of the Clock in the Afternoon

L. H. J.
Lib. No. 46

Post Meridiem

The house met According to Adjournment All Appeared Except M^r Dulany

M^r Wright Appeared in the house this Day M^r Jonas Green hath leave to print the votes & proceedings of this house during this Session at the usual Allowance and on the Usual Conditions.

p. 10 Do^r Carroll Coll^l Colvill M^r Denton M^r Mathews and M^r Magruder Ordered to prepare an address to his Excellency on his Speech

The Committee of laws acquaints M^r Speaker they had made Choice of M^r Stephen Bordley for their Clerk the House Approves the Choice.

The house adjourns to the morrow morning at 10 of the Clock

April 26

Saturday Morning April 26th 1740

[There
are no pro-
ceedings
recorded
for Friday
April 25.]

The House met according to Adjournment All present that were yesterday Except M^r Moale Coll^l King M^r Stoughton M^r Henry and M^r Gale Appeared this Day

The Gentlemen Appointed to prepare an Address to the Governor bring in the following which was read approved and ordered to be Ingrossed.

To his Excellency Samuel Ogle Esq^r Governor of Maryland

The Humble address of the house of Delegates of the said province

May it please your Excellency.

We his Majestys Loyal and Dutyfull Subjects the Delegates of the freemen of Maryland in Assembly Convened return your Excellency thanks for your Kind speech at the opening this Session as also for Calling us together at this the usual time of meeting and giving us such firm Assurances of your Excellencys Endeavours to Cultivate a Good Agreement between the Severall parts of Legislature A Matter which as we Apprehend it Essential to the true interest of the Province we are Sincerely desirous to pursue and forward by all reasonable means Consistent with our Duty to his Majestys Regard

p. 11 to his Lordships and the great trust Reposed in us by our Constituents.

What Foundation your Excellency had to hope for receiving an Answer from the Lord Proprietary to the Address of the lower house Ordered at our last meeting to be presented to him we are at a loss to know since from the Measures of your Excellency and Officers in Council the Gentlemen Appointed by us have not been able to gain Transcripts of such Records as were Applied for and necessary to

be transmitted to Great Britain previous to the presenting that Address to his Lordship by our Agent and if your Excellency had not Communicated it we could hardly have perswaded our Selves that his Lordship had never heard any thing of that Address as A Copy thereof was so long since required of our Clerk and not being unsensible of the great and Early Care that was taken by the Government to Apprise his Lordship as well of that address as of every other material transaction at our last meeting.

L. H. J.
Lib. No. 46

Your Excellencys recommending temper and moderation in our proceedings is most agreeable to us being what we have ever regarded in all our past and shall endeavour to make the Rule of our future Conduct and are determined free from violent and personal malice or hatred on the one side or fear favour and Affection on the other in that Calm and Cool way only to pursue the publick welfare and we hope by our Conduct to Convince your Excellency and the People we have the honour to represent that the good of this Country is our only view and as we are Sensible that the making of Laws for the real advantage of those who are to be bound by them is a Task Attended with great difficulty we will Endeavour with the greatest thought and Attention to discharge our Duty therein. p. 12

We are really Concerned that we have the misfortune to Differ in Opinion in any points and truely wish that our Cool and temperate reasoning could have brought or may bring us to A right understanding We are so well Assured that the Interest of his Lordship depends on the prosperity of the Province that we are unwilling to imagine he has not the latter Sincerely at heart.

For the Safety of the People and Security of their property we shall with all Chearfulness give the Government A Suitable and honourable Support as well as raise such Sums as may be thought necessary in the present Situation of Affairs according to our Abilities thereby to shew the regard we have for the welfare of the Province our Zeal for the publick Good and the forwarding his Majesty's Service

Whatever Danger might have been lately apprehended from some negroes in Prince Georges County the punishment they Received we apprehend will Deter others from the like practice and we hope has prevented any Ill Consequencys that might have Ensued Self preservation and Common prudence will Induce us on proper Occasions to take into our Consideration what may be necessary for our own future defence and Security as well against our Negroes as our Neighbors the French

[See 28
Archives,
Council
189.]

Our Common Safety is Certainly A point very well worth our Attention in the Consideration of which we will Act with all the prudence and discretion we are Masters of and it is with great pleasure we hear of the Glory Acquiring by the British Arms to which we most Sincerely wish A Continued Series of Success p. 13

L. H. J.
Lib. No. 46 On our part we are truly Obligated to your Excellency for Expressing your kind intention and View towards promoting our happiness and prosperity we are fully perswaded that all Gentlemen of understanding and Humanity must find A real and lasting pleasure and Satisfaction in doing Benevolent and good offices and that to be governed by one of such Dispositions is A great Happiness to A People We Assure your Excellency that we shall very heartily Join in whatever you shall propose for the real Interest and Service of this Country.

We shall Endeavour to pursue your Excellency's Advice and weigh with all Candour and Impartiality every matter laid before us whether it Comes from any Gentleman in place or one that wants one and shall be ready to Approve what our Consciences dictate will be for the good of our Country and are well pleased your Excellency recommends so Just and laudable A Rule for our proceedings in what instances your Excellency may have Experienced that matters of very
p. 14 great advantage to the Province which have been proposed by the Government have been Opposed for that Reason we know not and we do sincerely Assure your Excellency we are not Conscious of any such motives having Influenced our Conducts nor shall such hereafter.

We Sincerely wish there had been no occasion of Applying to your Excellency about Aggrievances but many such having been laid before us of a most Oppressive Nature we could not but think it incumbent on us to Endeavour to restore and preserve our Natural Rights and Priviledges

We Pretend not to oppose the prerogatives of the Crown (which we Conceive are in no manner Concerned in our present Differences) nor his Lordships Just and Legal Rights granted him by the Royal Charter or Laws of the Country. We hope by the many kind Assurances in your Excellencys Speech and the good Intentions you witness of his Lordship that our Complaints may have A favourable hearing and redress either from your Excellency or his Lordship wherein if we are so unfortunate as to fail we shall humbly hope from the Justice and Clemency of his Majesty to find Relief In which Case we hope your Excellency will grant us all sufficient means to Enable us to lay our Complaints before his Majesty to whose Royal Determination we shall most dutyfully and Chearfully submit and in the mean time shall Join our best Endeavours for promoting the trade of this Province so far as the Difficulties it labours under will
p. 15 admit us being so much Concerned in its prosperity that we Cannot but have it wholly at heart.

Signed per Order of the Lower House, per

P. Hammond Speaker

April the 26th 1740

On motion of A member for leave to bring in A Bill for Encouragement of Persons who shall enlist themselves voluntarily within this Province to Serve his Majesty in this present War against the Spaniards, leave given and ordered that the Committee of Laws prepare and bring in a Bill Accordingly.

L. H. J.
Lib. No. 46

M^r Stoughton added to the Committee of Laws. The Address to the Governour being Engrossed and prepared Coll^l Hanson and Coll^l King Ordered to acquaint his Excellency therewith and know when and where his Excellency will be pleased to receive it.

They Return and acquaint M^r Speaker the Governor will Receive it on Monday in the Conference Chamber

The House adjourns to Monday Morning at 10 of the Clock

Monday Morning April the 28th 1740

April 28

The House met according to adjournment. the Members were called over. All appeared as on Saturday Except M^r Wilkinson, Daniel Dulany Esq^r Capt. Robert Gordon and M^r Calder Appeared in the House.

On Motion of A member for leave to bring in A Bill to prevent the destruction of Boundaries of Land within this Province on the Question put Resolved that Leave be given accordingly.

The previous Question being Determined the Question was put p. 16 whether it shall be a direction to the Committee for drawing the Bill for Encouragement of such as shall voluntarily Enlist themselves for his Majestys Service to Draw the said Bill so as the money to be applied be raised by an immediate Equal Assessment on the Taxables of this Province or Issued or paid out of the Office for Emitting Bills of Credit Established by Act of Assembly. Resolved that it be paid out of the office for Emitting Bills of Credit established by Act of Assembly.

Ordered that the Address to his Excellency be presented by M^r Speaker

M^r Speaker left the Chair and attended by the members of this house presented the Address to his Excellency in the Conference Chamber

M^r Speaker and the rest of the Members returned. M^r Speaker Reassumed the Chair. M^r Moale Mr Trippe Mr Edward Lloyd being Absent.

M^r Thomas Sheredine M^r Charles Hynson and M^r Grundy Pemberton added in their Room to the Committee to inspect the Accounts and proceedings of the Commissioners for Emitting bills of Credit &c.

The house adjourns to the Morrow morning at 10 of the Clock

L. H. J.
Lib. No. 46
April 29

Tuesday morning April the 29th 1740

The House met according to adjournment &c. All present as yesterday.

M^r Wilkinson and M^r George Appeared In the house

M^r Matthews from the Committee of Aggrievances & Acquaints M^r Speaker that the Committee hath made Choice of M^r William Cumming for their Clerk the House Approves the Choice.

p. 17 The Following Message (See page 429.)

Sent to the Upper house by M^r Sheredine and M^r Rumsey.

M^r Speaker Communicates the Governours Answer to the address of this House Viz.

Gentlemen of the lower house of Assembly.

I Return you thanks for your kind address and hope the moderation and temper that this session has begun will Continue and lead us to A happy Conclusion of the same to the great advantage of the Good People of this Province whose true Interest as I observed to
p. 18 you can never be pursued without A good understanding between the Severall Branches of the Legislature which I shall Allways sincerely and heartily Endeavour to promote.

I cannot pretend to Judge what transcripts of Records or other papers you may think necessary to be presented along with your address to his Lordship but any impediment the Gentlemen Appointed by your house to get such papers might have met with must have been wholly owing to their own misapprehension for I can Assure you that the two orders of Council of the 1st of August and 11th of October last were not in the least intended to delay making out Copies of the said Papers even for A Minute but only to put a proper Note of Disapprobation upon the Gentlemens taking upon themselves to Act as A Committee of the lower House during the Prorogation of the Assembly which was absolutely necessary to be done unless the Government had been willing to have shown A Tacit Consent to the Establishing A new power intirely unknown to the Constitution of this Province or our Mother Country. I could hardly have imagined that any body much less the Lower house of Assembly could have thought my Saying his Lordship had not heard any thing of your Address related to any thing but the very Original address it Selfe Ordered to be presented to him by the person Appointed by you for that purpose for it is only to that Original Address an Answer could have been Expected from his Lordship to you but since you are pleased to take it in another sense and mention the copy of the said Address obtained by me from your Journals I think my self Obligated to Acquaint you that even the
p. 19 said Copy together with the Letters that accompanied it had not

reached his Lordships hands when he wrote the last Letters I have received from him the said Copy of that Address having been Obtained by me A long time after the breaking up of the Assembly as you may Easily inform your Selves from your own Clerk from whom I had it and who Attested it.

L. H. J.
Lib. No. 46

The proper Officers shall readily lay before you all such Transcripts of the Records and other papers as you may want to send home during this Session or Order any person after the breaking up of the Assembly to call for upon Account of the Publick on the proper Application of such Person

Sam: Ogle

Samuel Chamberlaine Esqr from the upper house delivers M^r Speaker the following Message (See page 429.)

Do^r Carroll from the Committee of Laws Delivers M^r Speaker A Bill Entitled an Act for issuing and paying out of the Office of the Commissioners or Trustees for Emitting Bills of Credit established by Act of Assembly of the Province of Maryland the Sum of £2636..16..3 to be Applied for the Encouragement of such persons as shall voluntarily Inlist themselves in his Majestys Service which was read the first time and ordered to lie on the Table.

The House adjourns to the morrow morning at 9 of the Clock

Wednesday Morning April 30th 1740

April 30

The house met according to adjournment &c.

The Bill Entitled an Act for Issuing and paying out of the Office of the Commissioners or Trustees for Emitting Bills of Credit established by Act of Assembly of the Province of Maryland the Sum of £2636..16..3 Current Money in bills of Credit of this Province to be applied for encouragement of such persons as shall voluntarily inlist themselves in his Majestys Service read the second time and on the question put will pass

For the Affirmative.

| | | |
|-----------------------|---------------------|------------------------|
| M ^r Wilson | M ^r King | M ^r Mathews |
| Calder | Stoughton | Caswell |
| Carroll | Robert Lloyd | Edward Sprigg |
| Denton | Thomas | Wootton |
| Smith | Brannock | Osborn Sprigg |
| Weems | Colvill | Magruder |
| Hall | Rumsey | Wright |
| Hanson | Pearce | Pemberton |
| Smallwood | Sheredine | Wilkinson |

L. H. J
Lib. No. 46
p. 21

M^r Harris
Hynson
Middleton

For the Negative

M^r Henry
Gale
Dulany

M^r Gordon
George

The House Adjourns to Three of the Clock in the Afternoon

Post Meridiem

The House met according to Adjournment

On Motion of A Member that A Bill be brought in to Regulate Officers Fees, Leave is given, and Ordered, that the Committee of Laws prepare and bring in the same.

The Bill, entituled An Act for issuing and paying out of the Office of the Commissioners or Trustees for emitting Bills of Credit established by Act of Assembly of the Province of Maryland the sum of £2636..16..3 Current Money in Bills of Credit of this Province, to be applied for Encouragement of such Persons as shall voluntarily Inlist themselves in his Majestys Service, Sent to the Upper House, by Col^o King and Eleven more, with the following Message. (See page 430.)

M^r Calder delivers M^r Speaker the following Report.

p. 22 In Pursuance of an Order of your Honourable House, dated the 9th of June 1739, We the Subscribers Members thereof, appointed by the said Order to take Copies of Records and Transmit the same to Great Britain with the Address prepared at your last Meeting, to the Kings most Excellent Majesty, and to the Right Honourable the Lord Baltimore Lord Proprietary, both dated June the 9th 1739, Do hereby humbly Represent, that on the 21st day of July 1739, We transmitted the said Addresses, and have employed according to your Order, a Gentleman of undoubted Reputation, knowledge and Integrity, to serve this Province as an Agent in Great Britain, and who by his Letters acknowledges the Receipt of the said Addresses, but not being supplied with Authentick Copies of necessary Records from the Offices of this Province he could not Present the same, as a State of the Case was not to be made without such Records well and legally Authenticated

We further humbly represent, That in Obedience to your order we applied to the several Offices of this Province who have the keeping of the Records thereof, and to their under Clerks, as may appear by one Letter signed C. Carroll and Vachel Denton dated Annapolis, July the 11th 1739, directed to Edmund Jenings, Esq^r Secretary of Maryland, as also by a Letter dated at Annapolis June the 29th 1739, Signed C. Carroll and Vachel Denton, and directed to Griffith

Beddoe Clerk of the Land Office, by one Letter signed as before directed to Levin Gale Esq^r who has the keeping of the Records of the Land Office dated the 12th July 1739 with their respective Answers included in an Order of Council hereunto annext, dated the 1st day of August 1739 whereby we were refused the Copies applied for in pursuance of your Order, as by the said Order of Council will appear.

L. H. J.
Lib. No. 46

We further Represent, That in hopes of being able to comply with your Instructions we again applied for Authentick Copies of the necessary Records and Papers to be Transmitted to support the said Addresses, and offered Payment for the Copies and Authenticating the same, as may appear by a Letter directed to M^r William Ghiselin Deputy Clerk of the Provincial Court, dated the 6th day of October 1739, and Signed C. Carroll and Vachel Denton, and an Assumption of the same date, for the lawful Fees arising due thereon directed to the said Ghiselin, signed C. Carroll, and the said Ghiselins Answer, included in another Order of Council hereunto also annexed, dated the 11th October 1739 by which we were likewise refused the said Copies notwithstanding our Conformity to the Terms of the first denying Order of Council, dated the first of August 1739 in tendering Payment for the said Copies; by all which means and Denials we have hitherto been entirely prevented from complying with your Instructions and Orders, whereby the said Addresses remain unpresented

And that your Honourable House may be fully Satisfied of our dutiful Conduct and Demeanour to his Excellency the Governor, the said Officers and their under Clerks, we humbly pray that our Remonstrance to his Excellency, and several Letters incerted in the Orders of Council hereunto annexed may be Read and Approved or Disapproved as they deserve whereby we may be acquitted of any imputation of irregular Proceedings, ill Practices Opposition, Disobedience, or Undutifulness to Government, which are Attempted by the Order of Council hereunto annext to be laid to our Charge, All which is humbly submitted to the Consideration of your Honourable House

| | | |
|---------------|----------------|---------------|
| James Calder, | Edward Sprigg | John Magruder |
| C Carroll, | Turnor Wootton | |
| V. Denton | Osborn Sprigg | |

Which was Read, and Ordered to lie on the Table, for Consideration to morrow morning, p. 23

The House Adjourns to the Morrow Morning at nine of the Clock

L. H. J.
Lib. No. 46
May 1

Thursday Morning May 1st 1740

The House met according to Adjournment &c^a

The Report brought in by M^r Calder yesterday, was again Read by the Clerk this Day. The House on mature Consideration thereof unanimously approves the Conduct & Behaviour of the several Gentlemen appointed and mentioned in the Report, in their Pursuance of the Order of this House, And,

Resolved, That the said Gentlemen have Acted with a Regard equal to the great Trust and Confidence Reposed in them, and Pursued through the whole Course of their Conduct, Measures well suited to the Occasion, and most Agreeable to this House, and that though by the Measures of his Lordships Governor and Council they have not been able to gain Transcripts of such Records and Papers, as were necessary to be had before the many great and grievous Complaints of the Country could regularly be laid before his Lordship, or in case of need before his Majesty, yet their extraordinary Diligence and laudable Zeal in this our Common Cause, were not the less Conspicuous :

Therefore this House desires their Honourable Speaker to Return the said Gentlemen the Thanks of the House for their faithful Discharge of the Trust reposed in them.

Which M^r Speaker from the Chair accordingly did.

Ordered, That the Committee of Laws make a Collection of such Transcripts of Records, and other Papers as are necessary to be transmitted to Great Britain and apply to the Clerks of the Proper Offices for them.

Inasmuch as the Gentlemen appointed by this House have been refused Copies of Records to be transmitted to Great Britain, and that his Excellency is now pleased to advise, that any Transcripts or Copies may be had during this Session, and on proper Application after Adjournment or Prorogation such Copies may be had as shall be thought needful :

Ordered that the Committee of Laws prepare an Address to his Excellency, praying that he will be pleased to acquaint this House what method of Application will be most agreeable to him, in order to obtain the said Transcripts or Copies of Records Authenticated, on Account of the Publick, during the Intervall of Assembly, to prevent any further Misunderstanding, Denial of the said Copies or Authenticating the same if required.

On Motion of a Member to have his Excellency the Governors Speech at the close of the last Convention entred on the Journal of this House, a Copy not having been then delivered to the Speaker :

p. 24 Ordered that the same be Entred in the Journal. (See page 278.)

The House Adjourns to the Morrow Morning at nine of the Clock

Friday Morning May 2^d 1740

L. H. J.
Lib. No. 46
May 2

The House met according to Adjournment, &c. Col^o Hooper appeared in the House.

Doctor Carroll from the Committee of Laws, brings in the following Address to the Governor, which was Read, Approved and Ordered to be Ingrossed. p. 25

To his Excellency Samuel Ogle, Esq^r Governor of Maryland.

The humble Address of the House of Delegates of the said Province in Assembly Convened

May it please your Excellency

Your Excellency having been pleased to signify in your answer to a former Address of this House, "That the proper Officers should readily lay before us all such Transcripts of Records, or other Papers as we may want to send Home during this Session, or order any Person after the breaking up of the Assembly to call for upon Account of the Publick, on the Proper Application of such Person."

In Order to prevent any further Misunderstanding, denial of the said Copies, or Authenticating the same, We humbly pray that your Excellency will be pleased to acquaint this House what method of Application will be most agreeable to you, to obtain Transcripts or Copies of such Records Authenticated on Account of the Publick during the Interval of Assembly, if the same shall be required.

The House Adjourns to Two of the Clock in the Afternoon

Post Meridiem

The House met according to Adjournment

The Address to the Governor being Ingrossed and Prepared, was signed on behalf of the Lower House, by the Honourable Speaker:

M^r Mathews and Col^o Hooper, Ordered to acquaint the Governor, this House hath prepared an Address to him, and desires to know when and where he will be pleased to receive it

They return and acquaint M^r Speaker, the Governor will receive the Address in the Council Chamber immediately

Col^o Hanson and five more sent to present the Address to his Excellency

M^r George from the Committee of Laws, brings in a Bill entituled An Act for the Trial of all Matters of Fact in the several Counties where they have arisen or shall arise

A Bill for reviving an Act, entituled, An Act for Naturalization.

A Bill Reviving An Act, entituled An Act for the Advancement of Justice, as also, An Act of Assembly, entituled A Supplementary Act to the Act for the Advancement of Justice.

L. H. J.
Lib. No. 46 A Bill for Continuing An Act of Assembly of this Province, entituled, An Act ascertaining the Gauge and Tare of Tobacco Hogsheads, and to prevent cutting, cropping and defacing Tobacco taken on Board Ships or Vessels upon Freight

p. 26 A Bill for Continuing an Act of Assembly of this Province entituled An Act to prevent Cutting up Tobacco Plants, Destroying of Tobacco and Tobacco Houses and for ascertaining the Punishment of Criminals Guilty of the said Offences

And A Bill, entituled, An Act Reviving and Continuing an Act of Assembly of this Province, entituled An Act for the speedy Recovery of small Debts before a Single Justice of the Peace

Which Bills were severally Read the first Time and Ordered to lie on the Table

The House Adjourns to the Morrow Morning at nine of the Clock

May 3 Saturday Morning May 3^d 1740

The House Met according to Adjournment M^r Robert Lloyd, M^r Thomas, M^r Wilkinson and M^r Hall have leave of the House to be absent until Monday

William Stoughton Esq^r from the Committee of Laws, delivers M^r Speaker A Bill, entituled, An Act for raising An Annual Revenue for the better Support of the Station and Dignity of his Lordships Governor for the Time being, and for the Safety and better Defence of this Province: Which Bill was read the first Time, and Ordered to lie on the Table.

M^r Speaker communicates the following Answer from his Excellency the Governor, to the Address of this House.

Gentlemen of the Lower House of Assembly,

In answer to your Address delivered to me yesterday by Col^o Hanson I must confess my self unable to express my Sense of the Question you ask me in clearer Terms than have been already made use of in the Order of Council of the 1st of August last.

[See 28
Archives,
Council
p. 174.] It is there declared to be the opinion of the Board, "That no Members of the Lower House could be qualified by virtue of any Order made in the last Convention of Assembly, to act as a Committee of the said House, after the Prorogation, and during the Interval of the Assembly, and that the Exercise of any such Authority or Power is not only Unwarrantable and Illegal, but is an Encroachment on, and has a Tendency to overthrow the Authority, which every Governor in his Majestys Dominions is invested with, of Proroguing and Dissolving Assemblies, and that therefore it might be of very mischievous Consequence to give the least Countenance to such a Proceeding, even by Overlooking it, or not taking a due notice thereof."

Wherefore the Board was of Opinion "That every Officer should be cautioned and directed, not to Submit to or Comply with, any Commands, Request or Application, made, or to be made, by or under the pretended Authority of any such Committee."

L. H. J.
Lib. No. 46
p. 27

But at the same time to avoid giving the least Stop or Hindrance to any Application to the Throne from his Majestys Subjects in this Province; It was Ordered, "That the Chief Clerks of the Provincial Court and Land Office, should transcribe Copies of all such Writings and Papers in the said Offices as should be thought necessary to carry on such Application, and should be applied for by any Person whatsoever, such Person paying or securing the usual Fees due for such Services."

I can only add to this, that if it will give any further Satisfaction to your House, I shall desire the proper Officers, to let any Person or Persons appointed by you, have, during the Interval of the Assembly, whatever Papers he or they shall call for, without any Regard to their own Fees, which may be allowed them the next Session of Assembly.

Sam: Ogle

Mr Denton, from the Committee of Laws, brings in a Bill, entituled An Act for raising Three Pence per Hogshead on all Tobacco to be exported within the Time therein mentioned for Purchasing Arms and Ammunition for the Defence of this Province Which Bill was Read the First Time, and Ordered to lie on the Table.

The House Adjourns to Two of the Clock in the Afternoon

Post Meridiem

The House Met and Adjourned until Monday Morning at nine of the Clock

Monday Morning May 5th 1740

May 5

The House met according to Adjournment &c: William Stoughton Esq^r from the Committee of Laws, delivers Mr Speaker A Bill, Entituled An Act for Limitation of Officers Fees.

Which Bill was read the first Time and Ordered to lie on the Table.

A Bill brought in from the Committee of Laws, Entituled, An Act for the Benefit of the Poor and Encouragement of Industry; was Read the First Time, and Ordered to lie on the Table

A Bill brought in from the Committee of Laws, entituled, An Act for ascertaining the Gauge of Barrells for Pork and Beef, and the neat Quantity of Pork and Beef to be therein contained, was Read the first Time and Ordered to lie on the Table. The House Adjourns to the Morrow Morning at Nine of the Clock

L. H. J.
Lib. No. 46
May 6

Tuesday Morning May 6: 1740

The House met according to Adjournment &c^a M^r Wilson and M^r Smallwood added to the Committee of Elections and Privileges. M^r Henry Hall, a Representative Elected for Ann Arundel County, appeared in the House.

p. 28 M^r Denton and Doctor Carroll are sent to the Upper House to see him qualified They return and acquaint M^r Speaker they saw him qualified by taking the several Oaths to the Government required by Law, and by signing the Oath of Abjuration and Repeating and signing the Test.

On Reading, a second Time, the Bill entituled, An Act for raising An Annual Revenue for the better Support of the Station and Dignity of his Lordships Governor for the time being; and for the Safety and better Defence of this Province

The Question was put, that the Bill pass. Resolved in the Affirmative.

For the Affirmative

| | | |
|-------------------------|---------------------------|--------------------------|
| M ^r Waughop, | M ^r Pemberton, | M ^r Brannock |
| Wilson, | Wilkinson | George, |
| Calder, | Weems | Colvill, |
| Carroll, | Joseph Hall, | Rumsey |
| Denton, | Middleton | Pearce |
| Henry Hall, | Smallwood | Sheredine |
| Smith, | King | Mathews |
| Wootton | Stoughton, | Caswell |
| Osborn Sprigg | Gale | Edw ^d Sprigg, |
| Magruder | Rob ^t Lloyd, | |
| Wright | Thomas, | |

For the Negative

| | | |
|-----------------------|------------------------|------------------------|
| M ^r Harris | M ^r Henry | M ^r Dulany, |
| Hynson | M ^r Hooper, | M ^r Gordon, |

The Bill entituled An Act for raising Three Pence per Hogshead on all Tobacco to be exported within the Time therein mentioned, for purchasing Arms and Ammunition for the Defence of this Province;

Was Read the second Time and passed.

The House Adjourns to Two of the Clock in the Afternoon

Post Meridiem

The House met according to Adjournment.

The Bill, entituled, An Act for raising An Annual Revenue for the better Support of the Station and Dignity of his Lordships Gov-

ernor for the time being, and for the Safety and better Defence of this Province. L. H. J.
Lib. No. 46

Sent to the Upper House by Col^o King and five more. The Bill entituled, An Act for raising Three Pence per Hogshead on all Tobacco to be exported within the Time therein mentioned for Purchasing Arms and Ammunition for the Defence of this Province.

Sent to the Upper House by M^r Smith and five more

The House Adjourns to the Morrow Morning at nine of the Clock.

Wednesday Morning May 7: 1740

May 7

The House met according to Adjournment Captain Ennals appeared in the House.

A Bill, entituled An Act for the speedy and effectual Publication of the Laws of this Province and for the Encouragement of Jonas Green of the City of Annapolis Printer:

Read the first Time and Ordered to lie on the Table.

The House Adjourns to Two of the Clock in the Afternoon.

Post Meridiem

p. 29

The House met according to Adjournment

The Bill entituled An Act for Limitation of Officers Fees.

Read and committed for Amendments.

The Bill entituled An Act for ascertaining the Gauge of Barrels for Pork &c^a Read the Second Time, Passed, and sent to the Upper House by M^r Henry and M^r Weems.

The House Adjourns to the Morrow Morning at nine of the Clock.

Thursday Morning May 8th 1740

May 8

The House met according to Adjournment &c^a

The Bill, entituled An Act Reviving and Continuing An Act of Assembly of this Province, entituled An Act for the speedy Recovery of small Debts before a single Justice of the Peace.

Read the second Time and Passed.

A Bill entituled, An Act to Continue An Act of Assembly of this Province entituled An Act for Emitting and making Current ninety Thousand Pounds Current Money of Maryland in Bills of Credit, and to restrain some evil Practices of Sheriffs under Colour of the said Act committed.

A Bill, entituled, An Act Reviving the several Acts therein mentioned, and for relieving the Inhabitants from some Aggrievances in the Prosecution of Suits at Law.

L. H. J. And A Bill, intituled An Act reviving An Act, intituled An Act
Lib. No. 46 to prevent the injuring Harbours within this Province.

Severally Read the first Time, and Ordered to lie on the Table.

The Bill, intituled, An Act for the speedy and effectual Publication of the Laws of this Province, and for the encouragement of Jonas Green of the City of Annapolis, Printer, Read the second time, and Passed.

James Harris, Esq^r from the Upper House, delivers M^r Speaker, The Bill, intituled, An Act for issuing and paying out of the Office of the Commissioners or Trustees for Emitting Bills of Credit established by Act of Assembly of the Province of Maryland the Sum of Two Thousand Six Hundred and Thirty Six Pounds, Sixteen Shillings and Three Pence Current Money in Bills of Credit of this Province, to be applied for Encouragement of such Persons as shall Voluntarily Inlist themselves in his Majestys Service, Indorsed. (See pages 430 and 441.)

p. 30 And the Bill, intituled, An Act for Raising Three Pence per Hogshhead on all Tobacco to be Exported in the Time therein mentioned for Purchasing Arms and Ammunition for the Defence of this Province, Indorsed. (See pages 432 and 441.)

And the following Message (See page 441.)

p. 33 The House Adjourns to two of the Clock in the Afternoon

Post Meridiem

p. 34 The House met according to Adjournment &c.

Inasmuch as this House have been acquainted by his Excellency the Governor in his Answer to an Address dated 3^d May Instant, That "He would desire the proper Officers to let any Person or Persons appointed by this House, have during the Interval of the Assembly whatever Papers he or they shall call for, without any Regard to their own Fees, which may be allowed them the next Session of Assembly:

Therefore, and in full hopes that there may be no further delay or refusal of such Copies or Transcripts as are or may be required to carry on the Complaints of this Province before the Right Honourable the Lord Prop^{ty}, or in case of need before his most Sacred Majesty, This House have appointed the Honourable Speaker, M^r James Calder, Doctor Charles Carroll, M^r Vachel Denton, Major Edward Sprigg, M^r Turner Wootton, M^r Osborn Sprigg, M^r John Magruder, and M^r Henry Hall, or any one, or more of them, to call for and receive of and from the several and respective Proper Officers of this Province who have the keeping of the Records thereof, all such Transcripts and Copies of Records legally Authenticated, to be transmitted to Great Britain on Account of the Publick, such Copies,

and Authentication to be paid for by the Publick of this Province, at the next Session of Assembly after they are so received.

L. H. J.
Lib. No. 46

The House Adjourns to the Morrow Morning at 9 of the Clock.

Friday Morning May 9, 1740

May 9

The House met according to Adjournment &c^a

It being moved by a Member, that An Address be presented to his Excellency the Governor, that he would be pleased to distribute the Arms and Ammunition now in the Province amongst the Inhabitants of the several Counties, and that the Money in Bank raised for the same use be likewise laid out in Arms & Ammunition and distributed in the same manner, and a Question thereupon being required to be put, the previous Question being moved for, was thereupon put, Whether that Question should be now put or not. Resolved in the Negative: Inasmuch as there are Laws now in Force directing the Purchase and Distribution of the Arms whereby his Excellency has the Power already vested in him to do the same Thing as the Address moved for requires.

For the Negative,

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|--------------|------------------------|---------------|
| Mr Waughop | Mr Middleton | Mr Mathews |
| Wilson | King | Caswell |
| Carroll | Stoughton, | Osborn Sprigg |
| Denton, | Rob ^t Lloyd | Magruder |
| Henry Hall | Ennals, | Pemberton |
| Smith | Brannock | Wilkinson |
| Weems | Rumsey | |
| Joseph Hall, | Sheredine, | |

For the Affirmative

| | | |
|------------|---------|-------------------------|
| Mr Harris, | Mr Gale | Mr Pearce |
| Hynson, | Hooper | Edw ^d Sprigg |
| Hanson, | George | Wootton |
| Henry | Thomas | Gordon |

The Bill, entituled, An Act reviving and continuing An Act of Assembly of this Province, entituled An Act for the Speedy Recovery of small Debts before a Single Instice of the Peace sent to the Upper House by Mr George and Mr Rumsey.

p. 35

The Bill, entituled An Act for the speedy and effectual Publication of the Laws of this Province, and for the Encouragement of

L. H. J. Jonas Green of the City of Annapolis, Printer, sent to the Upper
Lib. No. 46 House by M^r Denton and M^r Thomas.

The House Adjourns to Two of the Clock in the Afternoon

Post Meridiem

The House met according to Adjournment

The Bill, entitled An Act Reviving and Continuing the several Acts therein mentioned

The Bill reviving An Act, entitled, An Act to prevent the injuring Harbours within this Province, and for repealing the Acts therein mentioned.

The Bill to continue An Act of Assembly of this Province, entitled a supplementary Act to the Act, entitled An Act for Emitting and making Current ninety Thousand Pounds Current money of Maryland in Bills of Credit, and to restrain some evil Practices of Sheriffs under Colour of the said Act committed.

The Bill reviving An Act, entitled, An Act for the Advancement of Justice, as also an Act of Assembly, entitled A Supplementary Act to the Act for the Advancement of Justice.

The Bill for continuing An Act of Assembly of this Province, entitled, An Act, ascertaining the Gauge and Tare of Tobacco Hogsheads, and to prevent Cutting, Cropping and defacing Tobacco taken on Board Ships or Vessels upon Freight.

Were severally Read the second time and passed

On Motion of A Member that Leave be given to bring in an Address to the Kings most Excellent Majesty, setting forth the many Aggrievances this Province labours under, and praying Redress in case no Relief be had from the Lord Proprietor of this Province on an Address to be presented to him from this House: Leave is given accordingly: Soon after an Address to the Kings most Excellent Majesty was brought in, Read, and the Question was put that the House approve the Address. Resolved in the Affirmative.

For the Affirmative

| | | |
|------------------------|---------------------------|---------------------------|
| M ^r Waughop | M ^r Smallwood, | M ^r Sheredine, |
| Wilson | King, | Mathews, |
| Calder, | Stoughton | Caswell, |
| Carroll, | Rob ^t Lloyd, | Edw ^d Sprigg |
| Denton, | Thomas, | Wootton |
| Henry Hall | Brannock | Osborn Sprigg |
| Smith, | Ennals, | Magruder, |
| Weems, | George, | Pemberton, |
| Joseph Hall, | Rumsey | Wilkinson, |
| Middleton, | Colvill, | |
| Hanson, | Pearce, | |

| | | | |
|------------|------------------|------------|----------------------------------|
| | For the Negative | | L. H. J. Lib. No. 46 p. 36 |
| Mr Harris, | Mr Henry, | Mr Hooper, | |
| Hynson, | Gale, | Gordon, | |

The Address to the Kings most Excellent Majesty, was brought in Ingrossed and signed on Behalf of the House by the Honourable Speaker.

The House Adjourns to the morrow Morning at nine of the Clock

Saturday morning May 10th 1740

May 10

This House met again according to Adjournment

Col^o Colvill from the Committee appointed to inspect the Accounts and Proceedings of the Commissioners or Trustees for emitting Bills of Credit established by Act of Assembly delivers M^r Speaker the following Report. (See page 450.)

The House Adjourns to two of the Clock in the Afternoon p. 39

Post Meridiem

p. 40

The House met according to Adjournment &c^a

The following Message (See page 446.)

Sent to the Upper House by William Stoughton Esq^r and Major Sprigg. p. 42

Ordered and Resolved that the Honourable Speaker, M^r James Calder, Doctor Charles Carroll, M^r Vachel Denton, Major Edward Sprigg, M^r Turnor Wootton, M^r Osborn Sprigg, M^r John Magruder, and M^r Henry Hall, Members of this House prepare with all possible dispatch Authenticated Copies of all such Records and other necessary Papers and Evidences as they or any one of them shall think fit for carrying on the said Address to the Right Honourable the Lord Prop^r concerning the Aggrievances contained in the several Resolves of this House at their last Meeting in May 1739 and that the same Members or any two of them do in Behalf of this House, and the People of this Province, Transact & Negotiate all Matters and Things necessary to bring the same Address to a p. 43
speedy Conclusion and that in Case his Lordship should refuse or delay, to Relieve this Province from the matters there Complained of, the said Members, or any Two of them shall, and are hereby Ordered and Appointed with all Convenient speed to procure the Address of this House on the same matters to be presented to his Majesty, and to procure and transmit home all such Copies, Records, and Papers as shall be necessary for the Prosecution of the same Address

And for that this House are desirous and willing, that the matters aforesaid might be made up and agreed upon with his Lordship in

L. H. J. the most amicable manner, without carrying the same any further :
 Lib. No. 46 and that his Lordship may have all reasonable Time and Opportunity of considering and answering the same Complaints.

It is further Ordered, That the Person appointed at London to negotiate the Affairs, and Present the Addresses aforesaid shall have it as an Instruction from the Members aforesaid or any two of them to wait such convenient and Reasonable time from the time of the delivery of the said Address to the Lord Proprietary for his Lordships Answer thereto as such Person by the Advice of the Council employed and Retained for the Service of this Province shall think proper before he proceed to present the Address to his Majesty ; And that he shall not present the Address to his Majesty unless his Lordship shall refuse or delay to comply with the matters in the Address to him and that the said members render an Account of their Proceedings herein to the next Assembly to be held for this Province.

M^r Mathews from the Committee of Aggrievances, &c^a delivers M^r Speaker the following Report.

By the Committee of Aggrievances and Courts of Justice,
 May 10, 1740

Your Committee pray leave to observe, that at Meeting of your Honourable House, on the ninth day of June last before the same was Prorogued, the House then Address his Excellency the Governor, setting forth several Aggrievances then Complained of, but finding no Relief thereby, Address the Right Honourable the Lord Proprietary on the same Subject ; and lest no Relief should be found from his Lordship, prepared an Address to be Presented to his most Gracious Majesty, as their last Resort, for Relief of the Matters complain'd of

At which Meeting Your Honourable House judging it necessary for carrying on the said Addresses, that several Copies of Records from this Province, and other Papers would be wanted, were then pleased to Order that M^r James Calder, Doctor Charles Carroll, M^r Vachel Denton, Captain Thomas Gassaway, M^r Philip Hammond, Major Edward Sprigg, M^r Turnor Wootton, M^r Osborn Sprigg, and M^r John Magruder, Members of the said House, they or the Major part or any two of them should apply to the several Officers and Offices of this Province, and demand and take on the Publick Account, Authentick Copies of any Acts of Assembly Conditions of Plantation, or any other Matters or Papers whatsoever, that to the said Members, the Major Part, or any two of them should seem necessary and requisite to be transmitted to Great Britain, for the Service of this Province

That after the House was Prorogued as aforesaid Doctor Charles Carroll and Vachel Denton Gentleman, Two of the members ap-

pointed to procure and Transmit the Records and Papers as aforesaid in discharge of the Trust reposed in them, by several Letters directed to M^r William Ghiselin, Deputy Clerk of the Provincial Court, under Edmund Jenings Esq^r Secretary and to M^r Griffith Beddoe Deputy Register of the Land Office under Levin Gale, Esq^r applied to the said Clerks for Copies of sundry Records, such as they adjudged necessary for the Purposes aforesaid, and were refused the same on the Publick Account; which said Letters and answers on the first day of August last were laid before his Excellency the Governor in Council, at which Board were Present

L. H. J.
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His Excellency the Governor

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| the honble. | { | Col ^o Ward | James Holliday Esq ^r |
| | | Benjamin Tasker, Esq ^r | Col ^o Hammond |
| | | Philip Lee, Esq ^r | Col ^o Gale |
| | | George Plater, Esq ^r | James Harris Esq ^r |
| | | Edmund Jenings, Esq ^r | |

Who made the following Order, Upon Consideration whereof this Board is of Opinion That no Members of the Lower House can be qualified by Virtue of any Order made in the last Convention of Assembly, to Act as a Committee of the said House after the Prorogation and during the Interval of the Assembly, and that the Exercise of any such Authority or Power is unwarrantable and illegal but tends to an Enchroachment on, and has a Tendency to overthrow the Authority which every Governor in his Majestys Dominions is invested with of Proroguing and Dissolving Assemblies, and that therefore it might be of very mischievous Consequence to give the least Countenance to such a Proceeding, even by Overlooking it, or not taking a due Notice thereof.

[See 28
Archives,
Council
p. 174.]

Wherefore this Board is of Opinion, that every Officer should be cautioned and directed not to Submit to, or Comply with any Command, Request, or Application made or to be made, by, or under the pretended Authority of any such Committee.

But forasmuch as this Board out of a dutiful Regard to his Majestys Authority, and sincere desire for the Welfare and Satisfaction of the good People of Maryland, who may be made uneasy by notions of imaginary Grievances, while they neglect their true and real Interest, is unwilling to give the least Stop or Hindrance to any Application to the Throne from his Majestys Subjects in this Province, on Account of the Irregularity of the Proceedings or ill Practises of any of their Representatives, It is Ordered, that the Chief Clerks of the Provincial and Land Office, shall transcribe Copies of all such Writings and Papers in the said Office as shall be thought necessary to carry on such Application, and shall be thought necessary to Applied for by any Person whatsoever, such Person paying or securing the usual Fees due for such Services.

p. 45

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That afterwards on the Sixth Day of August last in discharge of the Trust aforesaid the said Charles Carroll and Vachel Denton, sent the following Letter to M^r Ghiselin, We desire you will immediately, and without Loss of Time, make out Authentick Copies of the following Acts, Commissions, and other Papers, and make due Proof of them to be such before a Provincial Justice in Order to be transmitted to Great Britain for the Use of the House of Delegates of this Province, for the Cost of which is inclosed an Assumption,

An Act for Port Duties and Masters of Ships made Anno Domini 1661.

An Act for Repealing all former Acts of Assembly heretofore made, saving what are hereby excepted, Anno 1704

An Act, entituled, An Act for repairing the Damages already sustained in the Records of the Land, Secretarys, Commissarys, and County Court Offices, and for Security of the same Records for the future made Anno 1716

Copy Commission to Edmund Jenings, Esq^r as Secretary

Copy of Edmund Jenings Esq^r his Commission to William Ghiselin Clerk of the Provincial Court,

Copy of Edmund Jenings Esq^r his Bond past by Virtue of the said Act for repairing the Damages already sustained in the Records &c^a

Acts for Providing a Support for the Lord Proprietary &c^a referred to in the following Acts made Anno 1674 and 1671.

An Act for Settlement of An Annual Revenue upon their Majestys Governor within this Province for the time being made Anno 1692

The Act of 1690, continuing the said Act of 1692

An Act for Settlement of An Annual Revenue upon her Majestys Governor within this Province for the time being, made Anno 1704.

An Act ascertaining the Gauge and Tare of Tobacco hogsheads, and to prevent Cropping &c^a made in April 1715

An Act ascertaining the Gauge and Tare of Tobacco hogsheads made in May 1717.

p. 46 The last Renewment of the said Act of Gauge and Tare of 1717 which continued the same to 1733.

[See 28 Archives, Council p. 182.] Commission from the Right Honourable the Lord Proprietary to his Excellency Samuel Ogle Esq^r dated at Annapolis, 27 June 1733 as Governor

To which said Letter the following Assumption was Subjoined
“ Sir, please to charge me in Account, for the Use of the House of Delegates of Maryland, the Lawful Fees for making out the foregoing Copies and Making Proof of them to be true Copies, and when made out and delivered truly proved, let me have such Account, which shall be paid by Sir

Your humble Servant
C Carroll

To M^r William Ghiselin Deputy Clerk
of the Provincial Court, These.

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Which said Letter and Assumption on the 11th day of October
aforesaid being laid before his Excellency in Council, at which Board
were Present

His Excellency Samuel Ogle Esq^r Governor

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| the hoñble { | Benjamin Tasker Esq ^r | James Holliday Esq ^r and |
| | George Plater Esq ^r | Col ^o Levin Gale |
| | Edmund Jenings Esq ^r | |

Who made the following Order; Upon Consideration whereof,
this Board is of Opinion that the said Charles Carroll and Vachel
Denton by the said Letter endeavour to Act under the Authority and
as a Committee of the Lower House of Assembly, which stands now
Prorogued, contrary to the opinion and sense of this Board expressed
in a former Order made the first day of August 1739, and of which
Order this Board is informed the said Charles Carroll and Vachel
Denton had notice. Therefore this Board is of opinion, and it is
accordingly Ordered, That M^r Ghiselin Chief Clerk of the Provincial
Court make out for and give to any Person whatsoever, any Copy
or Copies which shall be particularized to him by such Person or
Persons either paying or securing the usual Fees due for such Ser-
vices but that he ought not to give or make out such Copies in pur-
suance of the said Letter.

And then afterwards on the 30th October aforesaid the said Wil-
liam Ghiselin sent the following Letter to the said Charles Carroll
and Vachel Denton;

Gentlemen,

I have received yours, and you may perceive by the within Copy
of an Order of Council, I am restrain'd from taking any Notice
or paying any obedience to, your Command as a Committee of the
Lower House of Assembly; but am ready to make either of you what
Copies you shall desire, upon securing or paying the usual Fees
to the Secretary for the same

All which Proceedings of the Governor and Council, Edmund p. 47
Jenings Esq^r and Levin Gale, Esq^r Clerks and Deputies aforesaid
Your Committee beg Leave to lay before your Honours

Your Committee most humbly Represent as an Aggrievance the
Actings and Proceedings of the said Governor and Council and like-
wise of the said Edmund Jenings Esq^r Secretary, and Levin Gale
Esq^r who hath the keeping of the Land Records aforesaid as most
injurious, and tending to the manifest Prejudice and Oppression of
the Inhabitants of this Province, in denying the aforesaid Copies for

L. H. J. the Use of the Province, to the Members appointed by your House
 Lib. No. 46 to apply for the same, being a means and evidence for proving the Aggrievances complain'd of in the Address to his most Gracious Majesty, and the Right Honourable the Lord Proprietary, and thereby obstructing the prosecuting the same, and that the said Governor and Council, contrary to their own Order of the first of August last, whereby Leave was given to the Clerk of the Provincial Court, to transcribe Copies of all such Writings and Papers as should be thought necessary to carry on such Application, and Applied for, such Person paying or securing the usual Fees

After which the said Charles Carroll, by his Letter of the 6th August last had writ to William Ghiselin, Deputy Clerk of the Provincial Court for several Copies, for the use of the House of Delegates, and promised when made out and delivered to pay for the same; yet the Governor and Council by this Order of the 11th of October last, gave Orders that the said Ghiselin ought not to give out such Copies in pursuance of the said Letter and Assumption

By which it is obvious to your Committee that the Proceedings of the said Governor and Council, as to the foregoing Particulars, are contradictory, with intent clearly to impede and prevent the obtaining of the Copies aforesaid, to the Let, Hindrance and Denial of Justice, All which Your Committee conceive to be an Aggrievance, of a very high nature; but is humbly submitted to the Consideration of your Honourable House.

Signed p Order, William Cumming, Cl. Com.

The House Adjourns to Monday Morning at nine of the Clock.

May 12 Monday Morning May 12th 1740

The House met according to Adjournment The Members were called. All Present as on Saturday except M^r Wright

M^r Aisquith appeared in the House

M^r John Brome, a member returned to serve in this present General Assembly for Calvert County in Place of Col^o John Mackall deceased, appeared in the House

p. 48 M^r Walter Smith and M^r Weems sent to the Upper House to see him Qualified They return and acquaint M^r Speaker they saw him Qualified by taking the several Oaths to the Government required by Law, by signing the Oath of Abjuration and by Repeating and signing the Test. The Gentleman took his place in the House.

The Report from the Committee of Aggrievances &c^a brought in on Saturday, was taken into Consideration This Day and the Question was put that the House Concur therewith, Resolved in the Affirmative

For the Affirmative

L. H. J.
Lib. No. 46

| | | |
|--------------|--------------|-------------------------|
| Mr Waughop | Mr Middleton | Mr Rumsey |
| Aisquith | Hanson | Pearce |
| Wilson | Smallwood | Sheredine |
| Calder, | King | Mathews |
| Carroll | Stoughton | Caswell |
| Denton | Robert Lloyd | Edw ^d Sprigg |
| Henry Hall, | Thomas, | Wootton |
| Smith | Ennalls | Osborn Sprigg |
| Weems | Brannock | Magruder |
| Joseph Hall, | George | Pemberton |
| Brome, | Colvill, | |

For the Negative

| | | |
|-----------|-----------|------------|
| Mr Harris | Mr Henry, | Mr Hooper, |
| Hynson | Gale, | Gordon, |

Mr Denton delivers Mr Speaker the following Report ;

In Obedience to the following Order of your Honourable House, We the Subscribers wrote the several Letters herein after Incerted to Edmund Jenings Esq^r his Lordships Secretary of Maryland, as also to Levin Gale, Esq^r who has the keeping of the Records of the Land Office, to obtain Copies of the necessary Records for the Service of the Province, to be transmitted to Great Britain, as likewise to be informed in the best manner in relation to the Papers mentioned [The order of June 4, 1739, see page 384, is here inserted.]

Annapolis July 23^d 1739

P. 49

Sir

In Pursuance of and Obedience to the foregoing Order, We request you will direct your Deputy Clerk of the Provincial Court to lay before us in the Office of the said Court, or wherever else lodged under his Care, any of the Journals of the Lower House of Assembly, Journals of Accounts, or other Proceedings of the Lower House, thereby to enable us to take an Account of them, and make the Report as Ordered

We do also in Pursuance of and Obedience to the foregoing Order of the Honourable the Lower House of Assembly, request you will give Directions to your said Clerk of the Provincial Court, to make out Authentick Copies of all such Acts of Assembly, Entries or Papers as are Recorded in the said Office, and which he shall be directed to under our Hands, for the Use and on Account of the

L. H. J. Publick of the Province of Maryland, We desire the favour of your
Lib. No. 46 Answer in Writing And are with all due Respect, Sir.

Your most humble and Obedient Servants

C. Carroll V: Denton

To Edmund Jenings Esq^r
Secretary of Maryland, This.

Gentlemen,

I have not been able since the Receipt on the 24th Instant of yours of the 23^d to satisfy my self in any other Answer I ought to give to it than that I made to yours of the 11th Instant, without being first Informed by you, whether I am to consider you now Acting in a Private Capacity, or in any, and what, Publick Character.

Whenever you may be pleased to favour me with an Explanation on this Point, I hope to give you a suitable Answer to the several particulars in your Letter. I am with all due Respect, Gentlemen,

Your most humble and Obedient Servant

Edmund Jenings

To Doctor Carroll
and M^r Denton,

Annapolis, July 26, 1739

Sir

We have been favoured with yours of this Date, and are not inclined to enter into any dispute with you on the Occasion, If you shall be pleased to comply with our Request, made in our former of the 23^d Instant, which we sent in Obedience to the Order of the Honourable the House of Delegates of the Province of Maryland, we shall do our Duty so far as we are able therein; if not we must make our Report accordingly

p. 50 We Act by Virtue of that Order, whereof you have had a Copy in our last, as to any particular Denomination or Character under which we Act in this Affair, we refer that to you to give

Your next (if you favour us with any) will conclude Us on the Subject; and are, with great Respect, Sir

Your most Obedient humble Servants

C: Carroll V: Denton

To Edmund Jenings Esq^r
Secretary of Maryland, This.

[The order of June 4, 1739, see page 384, is here inserted.]

Annapolis July 23rd 1739

Sir

In Pursuance of and Obedience to the foregoing Order, we request you will direct your Clerk of the Land Office, to make out Authen-

tick Copies of any of his Lordships Conditions of Plantation, or other Papers or Entries, Recorded in the said Office, which he shall be directed to do under our Hands, by Virtue of the foregonig Order, for the Use and on Account of the Publick of the Province of Maryland, We pray your Answer hereto in Writing: And are with great Esteem, Sir

L. H. J.
Lib. No. 46

Your most obedient humble Servants

C. Carroll V. Denton

To Levin Gale Esq^r This

Gentlemen

I received your Letter yesterday by M^r Stephen Bordley; but shall part with no Copies of Records out of the Land Office, without some Person engages to pay the usual Fees: And on those Terms the Clerks have Orders to make out any Copies that shall be called for.

I am Gentlemen

Your most humble Servant

Levin Gale

To Doctor Charles Carroll,
and M^r Vachel Denton, Ps^{ent}.

By the Answers of the said Honourable Gentlemen herein before p. 51
incerted, it may appear, that we were refused Transcripts or Copies and view of the Papers mentioned in your Order, All which is humbly submitted to the Consideration of your Honorable House

V. Denton C. Carroll

Which being Read, the House unanimously Resolved that the said Vachel Denton and Charles Carroll have Executed the Order of this House so far forth as they were able, and have been refused the view of the Papers & Journals required, and Copies of Records, as appears by the foregoing Report.

And it is also further Resolved, that the Records, Enrollments, Publick Registrys and Offices of this Province, wherein all or any the Laws, Acts, Proceedings and Journals of Assemblies, Judgments and other Proceedings of Courts, Patents, Deeds, Writings, and other Public Matters and Things, relating either to the private Estates and Properties of the People, or Public Administration of the Government of this Province, are entred, enrolled, kept or repositied, are the Right and Property of the People of Maryland and that the Clerks Registers, and other Officers, having the Custody and Care of such Records, Enrollments, Registrys and Offices, are invested with that Charge Care and Custody, in Trust and for the Use and Benefit of the same People, and others interested therein, and not otherwise And that all and every Person and Persons whatsoever, hath and have an unquestionable Right to call for, have,

L. H. J. take and receive from the same Clerks, Registers and Officers, any
 Lib. No. 46 Views, Searches, Copies and Transcripts of such Laws, Acts, Proceedings, Deeds, Writings, and other Things aforesaid, as he or they shall at any time have Occasion for, paying tendring, or in the usual manner securing to such Clerks, Registers or Officers the lawful Fees for the same, without the Lett Hindrance or Refusal of such Clerk, Registers or Officers, or of any other Person or Persons whatsoever

And it is further Resolved, that the House of Delegates of this Province in Assembly convened, or any Person or Persons by them authorized and appointed for the Use and Benefit of the Publick during the Interval of Assemblies, to search and inspect such Records, Enrolments and Registries and to call for and receive Copies and Transcripts thereof, have the same Right to view, inspect and search, all or any of such Laws, Acts, Proceedings, Deeds, Writings, and other Matters and Things, and to call for, take and receive Copies and Transcripts thereof: And that the Refusal or Delay of such View, Search, Copies or Transcripts, to any Private Person tendring or securing the Fees as aforesaid or to the House of Delegates, or
 p. 52 any Person or Persons so as aforesaid by them appointed to take and call for such Views and Transcripts in the Intervall of Assemblies for the Use and Benefit of the Publick, by the aforesaid Clerks Registers or Officers or any others whatsoever, or by the Authority Order or Direction of any Person or Persons whatsoever, is a Violation of the Rights of the People of this Province, and tends to weaken and destroy the Properties and Titles of their Estates Real and Personal
 The House Adjourns to two of the Clock in the Afternoon

Post Meridiem

The House Met according to Adjournment &c.

On Reading the Report from the Committee appointed to Inspect the Accounts and Proceedings of the Commissioners for Emitting Bills of Credit &c^a the House Concurs with the Report.

And as to that part of it recommending the passing An Act of Assembly to oblige the Commissioners or Trustees to reserve all Money changed to be destroyed in presence of a Committee of both Houses Ordered that a Bill be prepared and brought in by the Committee of Laws accordingly

The House Adjourns to the Morrow Morning at nine of the Clock

May 13

Tuesday Morning, May 13, 1740

The House Met according to Adjournment &c^a M^r Robert Norrest Wright, a Member returned to serve in this present General As-

sembly for Queen Anns County in the Room of M^r Solomon Clayton, L. H. J.
Lib. No. 46
Deceased, appeared in the House.

M^r Pemberton and M^r Wilkinson are sent to the Upper House to see him Qualified. They return and acquaint M^r Speaker they saw him Qualified in the usual manner.

The Gentleman took his Place in the House.

Ordered, that M^r Speaker issue his Warrant to the Secretary of the Province to make out a new Writ of Election, directed to the Sheriff of Baltimore County, to elect a New Member to serve in this present General Assembly in Place of M^r John Moale, deceased.

M^r Speaker communicated the following Message from his Excellency the Governor, viz.

Gentlemen of the Lower House of Assembly

Upon perusing the printed Votes and Proceedings of your House, I find A Report from the Gentlemen appointed by you to take Copies of some Records to be transmitted to Great Britain with your Addresses to his Majesty, and the Lord Proprietary, wherein the said Gentlemen complain of being refused the Copies they applied for, p. 53
by which means they were prevented from complying with your Orders and Instructions, whereby the said Addresses remain unrepresented

And as the said Gentlemen, in Support of this Complaint refer to their Remonstrance to me, The two Orders of Council of the 1st of August and 11th of October last, together with the several Letters that passed upon the Occasion, I must desire of you, to enter the said Remonstrance, Orders of Council and Letters, on the Journals of Your House, that not only you yourselves may see more clearly and distinctly all that passed, than can be done by a cursory Reading of the said Papers, but that future Assemblies may be fully acquainted with the conduct of the Government upon this Occasion, which they can never be, unless the said Papers should be entred on your Journals.

I cannot help adding, that I hope my Conduct during the course of my Administration, will always be such, that I shall only desire to have my Actions placed in a fair and open Light, without any disguise or Misrepresentation in favour or disfavour of them

Sam: Ogle

On reading the Governors Message, the Question was put, whether Edmund Jenings, Esq^r; his Letter to M^r Ghiselin Chief Clerk of the Provincial Court, dated December 17, 1739 and Levin Gale Esq^r his Letter to M^r Griffith Beddoe Chief Clerk of the Land Office, dated December 21, 1739 be Entred on the Journal as part of the Proceedings, or not.

Resolved in the Affirmative

L. H. J.
Lib. No. 46

For the Affirmative,

| | | |
|-------------|-------------------------|--------------|
| Mr Aisquith | Mr Hanson | Mr George, |
| Waughop, | King | Colvill |
| Harris, | Henry, | Rumsey, |
| Hynson, | Gale, | Dulany |
| Calder, | Rob ^t Lloyd, | Gordon |
| Henry Hall | Thomas, | Wilkinson |
| Middleton | Hooper, | R. N. Wright |

For the Negative

| | | |
|-----------------------|---------------|----------------------------|
| Mr Wilson | Mr Stoughton, | Mr Edw ^d Sprigg |
| Carroll, | Ennalls, | Wootton, |
| Denton, | Smallwood, | Osborn Sprigg |
| Smith, | Sheredine | Magruder |
| Weems, | Mathews, | Pemberton, |
| Jos ^h Hall | Brannock | |
| Brome, | Caswell, | |

Ordered, That an Address be prepared to his Excellency, on his Message of this Day to this House.

p. 58 Col^o Gale from the Upper House, delivers Mr Speaker the following Message: (See page 452.)

p. 59 Mr Speaker communicated the following Message from his Excellency the Governor, viz: (See page 510.)

The House Adjourns to two of the Clock in the Afternoon.

Post Meridiem.

Mr Goldsborough appeared this Afternoon.

The Bill, entituled, An Act Reviving An Act, entituled, An Act for naturalization:

On motion to be read a Second time was Rejected.

The House Adjourns to the Morrow Morning at nine of the Clock

May 14

Wednesday Morning, May 14th 1740

The House met according to Adjournment, &c^a.

The following Address to his Excellency, was brought in Read, Approved, and Ordered to be Ingrossed:

To his Excellency Samuel Ogle, Esq^r Governor of Maryland:

The humble Address of the House of Delegates of the said Province.

May it please your Excellency,

The Remonstrance, Two Orders of Council, and Letters that passed on the Occasion mentioned in your Message of the 13th

Instant, were Ordered to be Entred on our Journal before we received that Message, But lest your Excellency or any other should think the not incerting therein two Letters from Edmund Jenings and Levin Gale Esq^{rs} to their Clerks or Servants (which we looked upon to be no Part of the Council proceedings in that Affair) might be Interpreted an Intention of concealing any thing that passed on that Occasion, or that might seem to have relation thereto, we have directed those Letters also to be Entred on our Journal being very desirous that the Conduct of your Excellency as well as all others concerned in that matter may be placed in a fair and open Light without Disguise or Misrepresentation.

L. H. J.
Lib. No. 46

The following two Orders of Council, Remonstrances and Letters were Ordered to be Entred thus (Papers printed in 28 Archives pages 167 to 174, 182 to 183, 184 to 188 are entered upon the Journal)

The House Resolved, That the Letter from Edmund Jenings, Esq^r to M^r William Ghiselin, dated the 17th of December last and that from Levin Gale Esq^r to M^r Griffith Beddoe dated the 21st of the same month Incerted on the Journals of this House being directed to their Clerks or Servants and not to any of the Members appointed for taking the necessary Copies to be transmitted to Great Britain with the Addresses to his Majesty and the Lord Proprietary, cannot properly be understood to relate to the dispute which arose on that Affair or to be any Compliance with the requests of those members agreeable to the Orders of this House at the last Meeting, as they contained in substance no more than the Order of Council of the first of August 1739 after which the same Copies were denied altho Application has been made pursuant thereto.

p. 73

And as those Letters were not Written or even produced to any of the said Members till late in December last, when the Shipping for Britain were gone out it seems to this House, that if a Compliance was then really intended, Yet the Transcripts and Copies at that time, after so long denied and delayed, could not answer the Intentions of the Delegates or the proposed Service of their Constituents and country in expediting the Addresses that Year to his Lordship, and his most Sacred Majesty, and that therefore the said Members did well in taking no notice of the Letters until they had acquainted this House therewith

The House Adjourns to two of the Clock in the Afternoon

Post Meridiem

The House met according to Adjournment

The Address to his Excellency being Ingrossed M^r Speaker, on Behalf of the House signed the same, M^r Mathews and Col^o Hooper sent to acquaint his Excellency this House hath prepared an Address

L. H. J. to him and desires to know when and where he will receive it. They
Lib. No. 46 return and acquaint M^r Speaker, the Governor is ready to receive
the Address immediately in the Conference Chamber:

M^r Henry, M^r Gale, M^r Hynson, and M^r Robert Norrest Wright,
were Ordered to present the Address to the Governor.

p. 75 The following Message: (See page 458.)
Sent to the Upper House by M^r Calder and Col^o Colvill
The House Adjourns to the Morrow Morning at nine of the Clock

May 15 [Thursday] Morning May 15, 1740

The House met according to Adjournment &c^a

The following Message from his Excellency the Governor was
Communicated to M^r Speaker, which he communicates to the House

Gentlemen of the Lower House of Assembly

I am obliged to you for having ordered to be entered on your
Journals all the Letters and other Papers that passed on the Occasion
mentioned in my Message of the 13th Instant, particularly the Two
Letters from Edmund Jenings and Levin Gale, Esquires, to their
Clerks, which I thought very necessary to show the Sense those
p. 76 Gentlemen had of the Two Orders of Council of the first of August
and 11th of October, last and which to prevent all mistakes, they
Order'd to be communicated to Doctor Carroll and M^r Denton

And if none of the abovementioned Letters and Papers are yet
printed in the Votes and Proceedings of your House, I hope you will
Order them to be Printed all together, that every Body may see at
one View all that has passed, relating to an Affair, that has been so
much talked of.

Sam Ogle

The House Adjourns to two of the Clock in the Afternoon

Post Meridiem

The House met according to Adjournment.

On Motion made Ordered that the Committee of Accounts ex-
amine into the State of the Accounts of the Three Pence per Hogs-
head raised for Arms and Ammunition from the Time the Imposition
was first laid to this present Time, and that they strike the Ballance
of each year seperately

Col^o Hammond from the Upper House delivers M^r Speaker the
Petition of Charles Sewall of Saint Marys County Indorsed Referred
to the Consideration of the Lower House of Assembly, which being
read Ordered, That Col^o Hooper, M^r Henry, M^r Gale and M^r Hynson

enquire into the Facts therein contained, and make Report to the House L. H. J.
Lib. No. 46

The following Address to his Excellency was brought in, Read, Approved & Ordered to be Ingrossed (See page 510.)

James Holliday Esq^r from the Upper House delivers M^r Speaker the following Message (See page 461.) p. 77

The House Adjourns to the Morrow Morning at nine of the Clock p. 81

Friday Morning May 16, 1740

May 16

The House met according to Adjournment.

M^r Swan appeared in the House

M^r Harris hath Leave of the House to go Home.

The Address to his Excellency, approved yesterday, was brought in Ingrossed which by Order and on Behalf of the House, was signed by the Honourable Speaker. Col^o Hanson and M^r Hynson, are ordered to acquaint his Excellency, this House hath prepared an Address to him, and desires to know when and where he will receive it.

They return and acquaint M^r Speaker the Governor is ready to agree the Address immediately in the Conference Chamber

Col^o Hanson and M^r Hynson sent to present the Address to the Governor

Col^o Hanson and M^r Hynson from the Committee of Elections and Priviledges deliver M^r Speaker the following Report p. 82

By the Committee of Elections and priviledges May 16, 1740

Your Committee having Examined the Writs and Inspected the several Indentures of the Members returned to serve in the present Assembly do find, that the several Writts, directed to the several Sheriffs in Ann Arundel, Calvert and Queen Anns Counties, are duly returned

We likewise find, that M^r Henry Hall, A member returned for Ann Arundel County, is duly Elected.

That M^r John Brome, a Member returned for Calvert County is duly Elected

And that M^r Robert Norrest Wright, a member returned for Queen Anns County is duly Elected.

All which, your Committee humbly submit to the Consideration to the House

Signed per Order Tho: Jennings Clk. Com.

The House Adjourns to two of the Clock in the Afternoon

L. H. J.
Lib. No. 46

Post Meridiem

The House met according to Adjournment
Edmund Jenings, Esq^r from the Upper House, delivers M^r Speaker
the following Message (See page 466.)
The House Adjourns to the Morrow Morning at 9 of the Clock

May 17

Saturday Morning May 17, 1740

The House met according to Adjournment &c^a
All Present as yesterday except M^r Harris
The House Adjourns to Two of the Clock in the afternoon

Post Meridiem

The House met again according to Adjournment M^r Hynson hath
Leave of the House to go Home
The following Message sent to the Upper House by Doctor
Carroll and M^r Mathews (See page 466.)
p. 86 The House Adjourns to Monday Morning at nine of the Clock

May 19

Monday Morning May 19th 1740

The House met according to Adjournment &c^a
All present that were on Saturday except M^r Hynson
An Address to his Excellency in Answer to his Message of the
15th Instant, was brought in, Read, Approved and Ordered to be
Ingrossed.
To his Excellency Samuel Ogle Esq^r Governor of Maryland
The humble Address of the House of Delegates of the said
province

May it please your Excellency

In Answer to your Message of the 15th Instant, we will direct that
all the Letters and Papers mentioned in that and your Message of the
13th (particularly the two Letters from Edmund Jenings and Levin
Gale Esq^{rs} to their Clerks) be printed all together, as we desire to do
every thing that may be agreeable to you

The Address to his Excellency was brought in, Ingrossed, which
was Ordered to be signed on Behalf of the House by the Honourable
the Speaker

Col^o Hooper and M^r Henry sent to acquaint the Governor this
House has prepared an Address to him and desire to know when
and where he will receive it. They return and acquaint M^r Speaker
the Governor is ready to receive the Address in the Conference
Chamber immediately

Ordered that M^r Sheredine and M^r George Present the Address to the Governor

L. H. J.
Lib. No. 46

The House Adjourns to two of the Clock in the Afternoon

Post Meridiem

The House met according to Adjournment &c^a

The Question was put, that this Question should be now put, Whether the Provincial Court on setting aside a General Verdict of Acquittal in the Case of the Lord Prop^{ty} against Vachel Denton, had made a Right Construction on the following Clause viz: p. 87

“ And Be it Enacted by the Advice Authority and Consent aforesaid That the Justices of Assize, nisi prius and Goal Delivery, shall in all Civil and Criminal Cases to be tried before them, where any Persons concerned desire the same, allow and direct Special Verdicts to be found: And in all Criminal Cases where the Party accused shall desire the same, to Sign and allow Bills of Exception as they are allowed in Civil Actions &c^a in part of An Act intituled, An Act for Trial of all Matters of Fact in the several Countries where they have arisen or shall arise, the Continuance of Causes in the Provincial Court and Adjournment of that Court, made in July 1732,” or not Resolved in the Affirmative.

For the Affirmative,

| | | |
|------------------------|-----------------------|-------------------------|
| M ^r Waughop | M ^r Brome, | M ^r Caswell |
| Swann | Smallwood, | Edw ^d Sprigg |
| Wilson | Stoughton | Wootton |
| Carroll | Ennals | Osborn Sprigg |
| Henry Hall, | Brannock | Magruder, |
| Smith | Pearce | Wilkinson |
| Weems, | Sheredine | |
| Jos. Hall, | Mathews | |

For the Negative

| | | |
|-------------------------|------------------------|------------------------|
| M ^r Aisquith | M ^r Gale | M ^r Colvill |
| Calder | Goldsborough, | Rumsey |
| Middleton | Rob ^t Lloyd | Dulany, |
| Hanson, | Thomas | Gordon |
| King, | Hooper, | Pemberton |
| Henry | George | R. N. Wright. |

The Question was put, Whether the Provincial Court, on setting aside a General Verdict of Acquittal in the Case of the Lord Proprietary, against Vachel Denton, had made a right Construction on the following Clause viz. “ And Be it further Enacted by the Authority Advice and Consent aforesaid, that the Justices of Assize, nisi prius, and Goal Delivery, shall in all things Criminal and Civil Cases to be Tried before them, where any Person concerned shall

L. H. J. desire the same, allow & direct Special Verdicts to be found: And
 Lib. No. 46 in all Criminal Cases where the Party accused shall desire the same,
 to allow and sign Bills of Exception as they are allowed in Civil
 Actions, &c^a in part of An Act, intituled An Act for Trial of all
 Matters of Fact in the several Counties where they have arisen or
 shall arise, the Continuance of Causes in the Provincial Court and
 Adjournment of that Court, made in July 1732," Or not. Resolved
 in the Negative.

For the Negative

| | | |
|-------------|-----------|-------------------------|
| Mr Waughop | Mr Brome | Mr Caswell |
| Swann | Smallwood | Edw ^d Sprigg |
| Wilson | Stoughton | Wootton |
| Carroll | Ennalls | Osborn Sprigg |
| Henry Hall, | Brannock | Magruder |
| Smith | Pearce | Wilkinson |
| Weems | Sheredine | |
| Joseph Hall | Mathews | |

p. 88

For the Affirmative

| | | |
|-------------|------------------------|---------------|
| Mr Aisquith | Mr Gale | Mr Colvill |
| Calder, | Goldsborough | Rumsey |
| Hanson | Rob ^t Lloyd | Dulaney |
| Middleton | Thomas | Gordon |
| King | Hooper | Pemberton |
| Henry | George | R. N. Wright. |

The Question was put, Whether the following Resolve viz^t

Resolved that the Construction put on the foregoing Clause of the
 Act, intituled, An Act for Trial of all matters of Fact in the several
 Counties where they have arisen or shall arise &c^a by the Justices of
 the Provincial Court, was against the true Intent and meaning of the
 said Act, The Words Person concerned therein mentioned being no
 way intended, or meant to extend to the Right Honourable the Lord
 Proprietary in Criminal Cases, and that the Benefit of Special
 Verdicts as well as Bills of Exceptions, were Intended thereby to
 Defendants only so far as Relates to Criminal Cases: Should be
 made or not Resolved in the Affirmative

For the Affirmative

| | | |
|-------------|-----------|-------------------------|
| Mr Waughop, | Mr Brome | Mr Caswell |
| Swann | Smallwood | Edw ^d Sprigg |
| Wilson, | Stoughton | Wootton |
| Carroll, | Ennalls, | Osborn Sprigg |
| Henry Hall, | Brannock | Magruder |
| Smith | Pearce | Wilkinson |
| Weems | Sheredine | |
| Jos. Hall | Mathews | |

| For the Negative | | | L. H. J. Lib. No. 46 |
|-------------------------|------------------------|------------------------|-------------------------|
| M ^r Aisquith | M ^r Gale | M ^r Colvill | |
| Calder | Goldsborough | Rumsey, | |
| Hanson | Rob ^t Lloyd | Dulany, | |
| Middleton | Thomas | Gordon | |
| King | Hooper | Pemberton | |
| Henry | George | R. N. Wright | |

The following Answer of the Governor to the Address of this House this day presented, was sent to M^r Speaker which he communicates to the House viz.

Gentlemen of the Lower House of Assembly

I return you thanks for your Address delivered to me this day by M^r George and M^r Sheredine, in Answer to my Message of the 15th Instant and I assure you I shall always be ready on my part, to make a suitable Return to this, or any other Obligation you lay upon me.

Sam: Ogle

George Plater Esq^r from the Upper House, delivers M^r Speaker the following Message (See page 470.)

Col^o Hooper from the Committee appointed to enquire into the p. 93 Facts contained in M^r Charles Sewalls Petition delivers M^r Speaker the following Report (Viz)

By the Committee appointed to enquire into the Facts contained in the Petition of M^r Charles Sewall of Saint Marys County. May 17, 1740

Your Committee upon Enquiry into the Truth of the Allegations contained in M^r Charles Sewalls Petition, we find that on the 5th day of July Anno Domini 1664 The Right Honourable the Lord Proprietary granted the Land called Darby containing 3000 Acres, to Henry Sewall Esq^r, in Fee and that the said Henry Sewall by his last Will and Testament bearing date the 25th day of April 1664, among other Lands devised the said Land called Darby to Jane his Wife, for the use of his Heirs, and the said Land afterwards descended to Major Nicholas Sewall Son and Heir of the said Henry Sewall and Jane his Wife; and that the said Nicholas Sewall by his last Will and Testament bearing date the 16th day of April 1737, appointed the Petitioner Charles Sewall, and his Deceased Brother Clement Sewall his Executors giving them thereby full Power and Authority to sell and dispose of among other Lands, any part of the said Land called Darby for the Payment & Discharge of his just Debts.

L. H. J. We likewise find that At A Session of Assembly began and held
 Lib. No. 46 at the City of St Marys on the 13th day of April Anno Domini 1669
 [See 2 among other Acts, An Act then past granting unto the Ababco,
 Archives Hutsawap and Tequassimo Indians, and the People under their
 Assembly Government or Charge, and their Heirs for ever a certain quantity
 p. 200] of Land lying on the South Side of Great Choptank River bounded
 as by the said Act relation being thereunto had may fully and at large
 appear.

We also find by the Depositions of several Persons taken by Virtue
 of a Commission out of the high Court of Chancery, as also by the
 Platt of the Indians Lands hereunto annexed that if the distance on
 the Second Course mentioned in the said Survey, terminates at the
 head of Sewalls Creek, that then there will be the quantity of 1396
 Acres of the Land called Darby in the Limits of the Indian Bounds,
 exclusive of Water, and the Land called the Indian Neck, containing
 and laid out for 600 Acres, for which said Indian Neck Major
 Nicholas Sewall in his Life time (to wit in October 1722), received
 from the Country full Satisfaction But if the Petitioner be allowed to
 run his full and exact distance mentioned in the Certificate of the said
 Survey, which is 640 Perches then there will be 636 Acres more
 p. 94 included in the said Survey of Darby which will amount in the whole
 to 2032 Acres exclusive of Water and the Indian Neck

It does not appear to your Committee that either the said Nicholas
 Sewall in his Life time or the Executors of the said Nicholas since
 his death have received any Consideration for the Land called Darby
 more than the abovementioned 600 Acres called Indian Neck

All which Your Committee humbly submits to the Consideration
 of the House

Signed p Order Thomas Jennings Cl Com.

The House Adjourns to the Morrow Morning at nine of the Clock

May 20 Tuesday Morning May 20th 1740

The House met according to Adjournment

The following Message (See page 475.)

Sent to the Upper House by Col^o King and Col^o Colvill

Benjamin Tasker Esq^r from the Upper House delivers M^r Speaker
 the following Message (See page 476.)

The Conferees of this House withdraw to meet those appointed by
 the Upper House

The House Adjourns to two of the Clock in the Afternoon

Post Meridiem

L. H. J.
Lib. No. 46

The House met according to Adjournment, &c^a

The House Adjourns to the Morrow Morning at nine of the Clock

Wednesday Morning May 21st 1740

May 21

The House met according to Adjournment &c^a

M^r Harris appeared in the House this day

The House Adjourns to two of the Clock in the Afternoon

Post Meridiem

The House met according to Adjournment

The House Adjourns to the Morrow Morning at nine of the Clock

Thursday Morning May 22^d 1740

May 22
p. 95

The House met according to Adjournment, &c^a On Motion leave
given to bring in a Bill relating to Testamentary Affairs

The House Adjourns to two of the Clock in the Afternoon

Post Meridiem

The House met according to Adjournment

The House Adjourns to the Morrow Morning at Nine of the Clock

Friday Morning May 23^d 1740

May 23

The House met according to Adjournment.

M^r Hynson appeared in the House this day

The House Adjourns to two of the Clock in the Afternoon

Post Meridiem

The House met according to Adjournment James Harris Esq^r from the Upper House delivers M^r Speaker the Petition of John Blandford of Prince Georges County, and the Petition of William Ratcliffe of Queen Anns County, Severally Indorsed By the Upper House of Assembly 23^d May 1740 Read, and Recommended to the Consideration of the Lower House of Assembly. The Petition of the Rector Vestrymen and Church Wardens of William and Mary Parish in Saint Marys County, The Petition of the Inhabitants of Dorchester County; The Petition of the Vestry and sundry Inhabitants of Queen Anns Parish in Prince Georges County, The Petition of the Rector Church wardens Vestrymen, and other Inhabitants

L. H. J. of William and Mary Parish in Saint Marys County; The Petition
 Lib. No. 46 of the Vestrymen Church wardens and Several of the Inhabitants of
 Saint Mary Anns parish in Cecil County, The Petition of the Rector
 Vestrymen and Church Wardens and other Inhabitants of All Faiths
 Parish in Saint Marys and Charles Counties and the Petition of the
 Free holders and Parishioners of the Parish of William and Mary in
 Saint Marys County Severally Indorsed Referred to the Considera-
 tion of the Lower House of Assembly

Col^o Charles Hammond from the Upper House delivers M^r
 Speaker A Petition of Thomas Spalding and Catherine his Wife of
 Saint Marys County, a Petition of Benjamin Howard of Ann
 Arundel County, and a Petition of [Joseph] Williams and Richard
 Snowden of Ann Arundel County severally Indorsed Referred to the
 Consideration of the Lower House of Assembly.

The Petition of the Vestry of Saint Marys Parish in Cecil County
 praying that 600^l current money may be Levied on the Taxable
 Inhabitants of the said Parish, to be applied to the Building a Brick
 Church, Read and Leave given to bring in a Bill accordingly.

The Petition of the Rector Vestrymen and Church Wardens and
 Inhabitants of All Faith's Parish in Saint Marys and Charles
 Counties praying a Bill to enable them to Assess 2000 £ Current
 Money on the Taxable Inhabitants of said Parish to build A Brick
 Church, was Read and Rejected.

p. 96 The Petitions of William and Mary Parish in Saint Marys County
 praying Leave to bring in a Bill to Assess on the Taxable Inhabitants
 of the said Parish £500 Current Money, to build a Chappel and
 Repair the Churches in the said Parish were severally Read and
 Rejected

The Bill entituled An Act Reviving An Act, entituled An Act for
 the Advancement of Justice

And the Bill entituled An Act for continuing An Act of Assembly
 of this Province, entituled An Act ascertaining the Gauge and Tare
 of Tobacco Hogsheads &c.

Sent to the Upper House by Col^o Hanson and M^r George. The
 Bill entituled An Act for continuing An Act of Assembly entituled
 An Act to prevent the Cutting up Tobacco Plants

And the Bill entituled An Act to continue An Act of Assembly of
 this Province entituled An Act A Supplementary Act to the Act
 Entituled An Act for Emitting &c^a 90000 £ in Bills of Credit, and to
 restrain some Evil practices of Sheriffs under Colour of the said
 Act Committed.

Sent to the Upper House by M^r George and M^r Gale The Bill
 entituled An Act, reviving and continuing the Several Acts therein
 mentioned

And the Bill entituled An Act, Reviving An Act, entituled, An Act, L. H. J.
Lib. No. 46
to prevent the Injuring Harbours &c^a

Sent to the Upper House by M^r Mathews and M^r Osborn Sprigg

The House Adjourns to the Morrow Morning at 9 of the Clock

Saturday Morning May 24, 1740

May 24

The House met according to Adjournment &c^a All Appeared except M^r Weems, M^r Wilkinson, M^r Thomas and M^r Robert Lloyd.

Col^o Gale from the Upper House delivers M^r Speaker A Petition of Nicholas Hammond of Ann Arundel County Indorsed Read and Referred to the Consideration of the Lower House of Assembly

Which Petition was here Read and Granted

The House Adjourns to two of the Clock in the Afternoon

Post Meridiem

The House met according to Adjournment M^r Calder brings in the following Report (See page 481.)

The Bill entituled An Act for the Benefit of the Poor and Encouragement of Industry, was read the Second time and Passed p. 103

Sent to the Upper House by M^r Denton and M^r Smith

The Bill entituled An Act for Limitation of Officers Fees was read and committed for Amendments.

On Motion Leave given to bring in a Bill to lengthen the Time of Continuing Sheriffs in their Office

The House Adjourns to Monday Morning at nine of the Clock

Monday Morning May 26th 1740

May 26

The House met according to Adjournment

All Present that were on Saturday M^r Weems, M^r Courts and M^r Edward Lloyd appeared in the House this day

The Petition of [Benjamin] Howard praying leave to bring in a Bill to cut of the Entail of a Tract of Land called Ropers Neck, and to entail other Lands of equal Value in lieu, Read and Referred to the Consideration of next Assembly

The Petition of Thomas Spalding and Catherine his Wife praying that Leave may be given to bring in a Bill to cut of the Entail of a Tract of Land called Coopers Purchase and to Entail other in Lieu thereof a Tract of Land called Crackburns Purchase of equal Value, p. 104
Read and Referred to the Consideration of the next Assembly

The Petition of Joseph Williams and Richard Snowden of Ann Arundel County praying Leave to cut of the Entail of a Tract of

L. H. J. Land called William's Range lying in Prince Georges County and to
Lib. No. 46 entail other Lands of equal Value in Lieu thereof, Read and Referred
to the Consideration of the [next] Assembly

A Bill Entituled An Act Reviving An Act, entituled a Supplementary Act to the Act, entituled An Act laying an Imposition on Negroes, and on Several Sorts of Liquors Imported, and also on Irish Servants to prevent the Importing too great a number of Irish Papists, into this Province Read the first time and Ordered to lie on the Table.

The House Adjourns to two of the Clock in the Afternoon

Post Meridiem

The House met according to Adjournment &c^a

The Bill entituled, An Act Reviving An Act entituled a Supplementary Act to the Act laying an Imposition on Negroes and on several sorts of Liquors imported and also on Irish Servants to prevent the Importation of too great a Number of Irish Papists into this Province: Read the second time by an Especial Order and Passed, which Bill and the following Message, was sent to the Upper House by M^r Smith and M^r Edward Lloyd (See page 488.)

Philip Lee Esq^r from the Upper House, delivers M^r Speaker the following Message (See page 489)

p. 105 The House Adjourns to the Morrow Morning at nine of the Clock

May 27 Tuesday Morning May 27th 1740

The House met according to Adjournment, &c^a

All present as Yesterday

M^r Thomas, M^r Robert Lloyd and M^r Read appeared in the House this day

p. 106 The following Message. (See page 490.)

Sent to the Upper House by Col^o Hooper and M^r Aisquith A Bill entituled An Act for Issuing and Paying out of the Office of the Commissioners or Trustees for Emitting Bills of Credit Established by Act of Assembly the Sum of £2562..10 Current money in Bills of Credit, to be applied for the Encouragement of Persons voluntarily Inlisting themselves in his Majesty's Service Read the first time and Ordered to lie on the Table

A Bill entituled, A Supplementary Act to the Act, entituled An Act for the Direction of Sheriffs in their Offices and restraining their ill Practices within this Province. Read the first time and Ordered to lie on Table.

On Reading the second time by an Especial Order, the Bill entituled An Act for issuing and paying out of the Office of the

Commissioners or Trustees for Emitting Bills of Credit established by Act of Assembly the Sum of £2562.. 10^s Current Money in Bills of Credit, &c^a. The Question was put that the said Bill pass. Resolved in the Affirmative. L. H. J.
Lib. No: 46

For the Affirmative

| | | |
|------------------------|-----------------------|-------------------------|
| M ^r Waughop | M ^r Courts | M ^r Rumsey |
| Read | Hanson | Pearce |
| Aisquith | Smallwood | Sheredine |
| Swann | King | Mathews |
| Wilson | Stoughton | Caswell |
| Calder | Goldsborough | Edw ^d Sprigg |
| Carroll | Edward Lloyd | Wootton |
| Denton | Robert Lloyd | Osborn Sprigg |
| Henry Hall, | Thomas | Magruder |
| Smith | Hooper | Pemberton |
| Weems | Ennalls, | R. N. Wright |
| Joseph Hall | Brannock | |
| Brome | Colvill, | |

For the Negative

| | | |
|-----------------------|----------------------|-----------------------|
| M ^r Harris | M ^r Henry | M ^r Dulany |
| Hynson | Gale | Gordon |
| Middleton | George | |

The House Adjourns to Two of the Clock in the Afternoon

Post Meridiem

The Bill for issuing and paying out of the Office of the Commissioners or Trustees for Emitting Bills of Credit established by Act of Assembly the Sum of £2562..10 Current Money in Bills of Credit &c^a

Sent to the Upper House with the following Message (see page 491).

By Col^o King and M^r Magruder

p. 107

M^r Macnemara the Clerk being Ordered by the Lower House of Assembly in the Year 1735, to Collect and Record Several Journals of that House that were missing in the Assembly Office, and it appearing that nothing has been done in pursuance thereof: Ordered that M^r Macnemara acquaint this House: Wherefore the said Journals have been Omitted to be Collected and Recorded

To the Honourable Lower House of Assembly

The Remonstrance of Michael Macnemara Sheweth, that it appearing to the Lower House of Assembly in the Year 1735, That

L. H. J. several of the Journals of the said House were missing and not to
 Lib. No. 46 be found on Record in the said Office, or elsewhere. It was then
 Ordered, that Your Remonstrant should Collect and Record such
 as could be found for which a reasonable Satisfaction was to be
 allowed him.

That in Obedience to the Order aforesaid, and on Information that
 many of the Journals of the Lower House were in the Provincial
 Office in loose Sheets Your Remonstrant applied to the Honourable
 Edmund Jenings Esq^r Secretary, and informed him of the said
 Order, and requested him to let Your Remonstrant have what
 p. 108 Journals could be found in the Secretary's Office That he might
 Transcribe them upon which Edmund Jenings Esq^r told your
 Remonstrant that he would not part with any Journals out of the
 Secretarys Office by Virtue of any such Order

Of all which your Remonstrant humbly informs this Honourable
 House

The House Adjourns to the Morrow Morning at nine of the Clock

May 28

Wednesday Morning May 28, 1740

The House met according to Adjournment &c^a

M^r Smallwood hath leave of the House to go Home

The Bill, entituled, A Supplementary Act to the Act, entituled
 An Act for the Direction of Sheriffs in their Offices, and restraining
 their ill Practices within this Province, was read the second time and
 will not pass

The House Adjourns to Two of the Clock in the Afternoon

Post Meridiem

The House met according to Adjournment &c

The House Adjourns to the Morrow Morning at nine of the Clock

May 29

Thursday Morning May 29th 1740

The House met according to Adjournment &c^a

On Reading a second time the Bill entituled, An Act for the Trial
 of all Matters of Fact in the several Counties where they have arisen
 or shall arise: The Question was put that the said Bill pass Resolved
 in the Affirmative

For the Affirmative

L. H. J.
Lib. No. 46

| | | |
|------------------------|-----------------------|------------------------|
| M ^r Waughop | M ^r Courts | M ^r Ennalls |
| Read, | Middleton | George |
| Aisquith | Hanson | Colvill |
| Swann, | King | Rumsey |
| Wilson, | Stoughton | Pearce, |
| Hynson, | Henry | Caswell |
| Carroll, | Gale, | Wootton |
| Smith | Goldsborough | Osborn Sprigg |
| Weems, | Edward Lloyd | Magruder |
| Joseph Hall, | Robert Lloyd | Pemberton |
| Brome | Thomas | R. N. Wright |

For the Negative

| | | |
|-----------------------|-------------------------|-----------------------|
| M ^r Harris | M ^r Brannock | M ^r Dulany |
| Calder | Sheredine | Gordon |
| Denton | Mathews | |
| Henry Hall, | Edw ^d Sprigg | |

Samuel Chamberlain Esq^r from the Upper House delivers M^r
Speaker the following Message (see page 492.)

The House Adjourns to two of the Clock in the Afternoon p. 111

Post Meridiem

The House met according to Adjournment

M^r Edward Wright and M^r Wilkinson appeared in the House

The Bill entituled An Act for the Trial of all Matters of Fact in
the Severall Counties where they have arisen or shall arise Sent to
the Upper House by William Stoughton Esq^r and Col^o Hanson

The House Adjourns to the Morrow Morning at nine of the Clock.

Friday Morning May 30, 1740

May 30

The House met according to Adjournment &c^a

Captain Henry Trippe appeared in the House this day

The following Message viz. (see page 496.) p. 113

Being brought in and read

The Question was put, Whether the House Approve the Message,
or not Resolved in the Affirmative

L. H. J.
Lib. No. 46

For the Affirmative

| | | |
|------------------------|-----------------------|-----------------------|
| M ^r Waughop | M ^r Courts | M ^r Rumsey |
| Read, | Middleton | Pearce |
| Aisquith | King | Sheredine |
| Swann, | Stoughton | Mathews, |
| Wilson, | Gale | Caswell |
| Calder, | Goldsborough | Edward Sprigg |
| Carroll, | Edward Lloyd | Wootton |
| Denton, | Robert Lloyd | Osborn Sprigg |
| Henry Hall | Thomas | Magruder |
| Smith | Ennals | Pemberton |
| Weems, | Brannock | Wilkinson |
| Joseph Hall | George, | R. N. Wright |
| Brome | Colvill | |

For the Negative

| | | |
|------------------------|------------------------|-----------------------|
| M ^r Harris, | M ^r Hanson, | M ^r Hooper |
| Hynson | Henry, | Gordon |

The above Message was sent to the Upper House by M^r Calder & Major Sprigg

The House Adjourns to two of the Clock in the Afternoon

Post Meridiem

The House met according to Adjournment &c^a

A Bill Entituled An Act for raising six Pence per Hogshead on Tobacco to be Exported within the Time herein after mentioned for the Uses and Purposes herein after expressed

Read the first Time and Ordered to lie on the Table.

The Bill entituled An Act for Limitation of Officers fees: Read the second time and Passed Sent to the Upper House by William Stoughton Esq^r and M^r Magruder

Col^o Hammond from the Upper House delivers M^r Speaker the following Message (See page 498.)

p. 114 The House Adjourns to the Morrow Morning at nine of the Clock

May 31

Saturday Morning May 31st 1740

The House met according to Adjournment, &c^a

Col^o Gale from the Upper House delivers M^r Speaker the following Message. (See page 498.)

p. 116 The House Adjourns to two of the Clock in the Afternoon

Post Meridiem

L. H. J.
Lib. No. 46

The House met according to Adjournment The following Message (See page 500.)

p. 117

Sent to the Upper House by M^r Smith and M^r Wootton

The House Adjourns to Monday Morning at nine of the Clock.

Monday Morning June 2^d 1740

June 2

The House met according to Adjournment

All Present that were on Saturday, except, M^r Wilkinson, Ordered that the Address to his most Sacred Majesty be entred on the Journal

The following Message (See page 504.)

M^r Smith from the Committee appointed to inspect the Arms and Ammunition &c^a delivers M^r Speaker the following Report

By the Committee for Inspecting the Arms and Ammunition and Accounts relating thereto May 31, 1740

Your Committee having Viewed and Inspected the quality and quantity of the Arms and Ammunition of this Province now in the City of Annapolis, do find the same as follows viz.

In the Powder House

Forty Six half Barrells and two Quarter Barrels of Gunpowder

In the Room over the Conference Chamber

Thirteen Pair New Pistols

Seventeen new Swords with Belts

Nine Old Carabines

Eight Short Musketts with Bayonetts

Twenty eight Muskets

Eight Drums.

Nineteen Cartouch Boxes and eighteen Belts belonging to them

About Thirty eight Cags of Shot.

Under the Stairs in the Council Chamber

Three Barrells of Shot with about 300^l taken out.

In the Stadt House

Three Barrells supposed to be Shot or Lead

We likewise find that M^r Razolini by order from the Governor delivered to several Persons the following Arms Ammunition and Accoutrements, as appears by several Orders and Receipts produced to your Committee viz.

p. 118

L. H. J.
Lib. No. 46

To the honourable Levin Gale Esq^r One Musket with Bayonet and Belt two Broad Swords and Belts and two Pair of Pistols

To ditto, Thirty new Muskets and belts, thirty Bayonets and Belts

Thirty Horsemens Swords with Belts, Thirty Pair of Pistols

Thirty Cartouch Boxes, a Trumpet two Bags of Bullets and a quarter Cask of Powder

To Captain William Rogers forty Muskets two Drums the Colours, one half Pike a quarter Cask of Powder, a Cag of Bullets and a new Muskett with a Bayonett

To ditto nine Muskets

To William Murdock Esq^r Sheriff of Prince Georges County, four Muskets, four Pair of Pistols, one hundred Bullets, six Cutlasses and some Powder And that the Arms and Accoutrements in the Council Chamber remain fixt as they were last year excepting Four Cutlasses, Four Halberts and one half Pike which are wanting.

We likewise find that the Arms aforesaid are generally clean and in good Order, and that the old Arms are in Quantity and Quality as last year

All which your Committee humbly submit to the Consideration of the House

Signed p Order Tho^s Jennings Clk.

By the Committee for Inspecting the Arms and Ammunition and Accounts relating thereto May 31, 1740

Your Committee having Examined and Inspected the Several Treasurers Accounts of the Three Pence p hogshead raised for purchasing of Arms and Ammunition do find that over and above the Sum of £2250..11..2 Sterling and £34..13..2 $\frac{3}{4}$ Gold

Reported by Your Committee at our last Meeting to be unapplied the following Sums viz:

| | |
|---|---------------------------------------|
| In the hands of James Holliday Esq ^r as per his Account dated May 1740 | } £ s. d. 101..19..3 $\frac{3}{4}$ |
|---|---------------------------------------|

| | |
|--|---------------------------------------|
| In the hands of M ^r Samuel Hyde as per Col ^o Charles Hammonds Account rendered this Assembly | } £ s. d. 158..18..5 $\frac{1}{2}$ |
| | |
| | <hr/> £260..17..9 $\frac{1}{4}$ <hr/> |

We likewise find that the said Stock of Three Pence per Hogshead made Debtor by the Treasurer of the Western Shore with the following Article viz:

| | |
|--|-----------------------|
| To the Governor and Councils Order paid Onorio Razolini dated 18 th of October 1738 and the 12 th of June 1739 | } £ s. d. 45..2..9 |
| | |

We further find the Sum of £5..2..9 Sterling was paid to the said Onorio Razolini as he says (over and above his usual Salary) for

£10..5..6 Currency by him paid to sundry Persons for Work done to the Council Chamber and Powder House as per said Workmens Accounts and Receipts delivered to the Clerk of the Council may appear.

L. H. J.
Lib. No. 46

All which your Committee humbly submits to the Consideration of the House

Signed p Order. Thomas Jennings Ct Com.

An Address to his Excellency was brought in, Read, Approved, and Ordered to be ingrossed

The Address to his Excellency was brought in Ingrossed, and being signed by the Honourable Speaker, on behalf and by order of the House

Col^o Hanson and M^r Mathews were sent to acquaint his Excellency therewith, and to know when and where he will be pleased to receive it. They return and acquaint M^r Speaker, the Governor will receive the Address at four of the Clock in the Afternoon in the Conference Chamber

James Holliday Esq^r from the Upper House delivers M^r Speaker the Bill intituled An Act for issuing and paying out of the Office of the Commissioners or Trustees for emitting Bills of Credit established by Act of Assembly the sum of £2562..10 Current Money in Bills of Credit &c^a Indorsed. (See pages 492 and 501.)

And the following Message (See page 502.)

Which Bill was here read and passed for Ingrossing

p. 121

M^r Speaker communicated to the House the following Message from his Excellency (See page 511.)

Edmund Jenings Esq^r from the Upper House, delivers M^r Speaker the following Message (See page 504.)

p. 122

M^r George hath Leave of the House to be absent for three or four days

The House Adjourns to 2 of the Clock in the Afternoon

Post Meridiem

The Bill for Encouragement of his Majesty Levies, being brought down from the Upper House, whereby the occasion of addressing his Excellency the Governor is in part removed: Ordered that an Address be prepared to acquaint his Excellency thereof.

An Address to his Excellency the Governor was brought in, Read & Approved and Ordered to be Ingrossed

To his Excellency Samuel Ogle Esq^r Governor of Maryland.

The humble Address of the House of Delegates of the said Province

L. H. J.
Lib. No. 46

May it please your Excellency

Since We acquainted your Excellency by two Members of our House this Morning that an Address was prepared to be presented to your Excellency the Bill for Encouragement of his Majestys Levies hath been sent to us passed by the Upper House, whereby the Cause for that Address is in some measure removed

We therefore desire to be excused from presenting the said Address

The Address to his Excellency being Ingrossed, and Signed by the honourable Speaker on behalf and by Order of the House, Col^o King and Col^o Hanson were Ordered to Present it

M^r Speaker communicated to the House his Excellencys Answer to the Address Presented by Col^o King and Col^o Hanson viz.

Gentlemen of the Lower House of Assembly.

Since I understand by your Address just now delivered to me by Col^o King, that the other Address you intended to have presented was in Relation to the Bill for encouragement of his Majestys Levies, I have only to assure you, that I have no less Zeal for his Majestys Service than the two Houses, and am very willing to pass the said Bill as soon as it can be got ready for that Purpose

Sam Ogle

The Question was put, Whether the Bill for Arms &c^a shall be read a second Time, before the Upper House sends down the Reviving and Re-enacting Bills now before them, with their usual Duration, or not.

Resolved in the Negative

For the Negative

| | | |
|-------------------------|------------------------|--------------------------|
| M ^r Waughop, | M ^r Courts, | M ^r Sheredine |
| Read, | King, | Mathews |
| Swann, | Stoughton | Caswell |
| Wilson, | Goldsborough | Edw ^d Sprigg |
| Calder, | Edward Lloyd | Wootton |
| Carroll, | Robert Lloyd | Osborn Sprigg |
| Denton, | Thomas | Magruder |
| Henry Hall, | Ennalls | Pemberton |
| Smith, | Brannock | R. N. Wright |
| Weems, | Colvill | |
| Joseph Hall, | Rumsey | |
| Brome, | Pearce | |

For the Affirmative

Mr Aisquith
Harris
Hynson,
Middleton

Mr Hanson
Henry
Gale,
Hooper

Mr Trippe
Dulany
Gordon

L. H. J.
Lib. No. 46

The House Adjourns to the Morrow Morning at nine of the Clock

Tuesday Morning June 3^d 1740

June 3

This House met according to Adjournment &c^a

Mr Wilkinson appeared in the House this morning

The House Adjourns for half an Hour

The House met according to Adjournment &c^a

Mr Calder Doctor Carroll and Mr Colvill Ordered to bring in an Address to his Excellency on his Message communicated to this House yesterday recommending the building a Magazine for Arms

An Engrossed Bill entituled An Act for issuing and paying out of the Office of the Commissioners or Trustees for emitting Bills of Credit the Sum of £2562..10^s Current Money in Bills of Credit, to be applied for the Encouragement of Persons voluntarily enlisting themselves in his Majestys Service

Was read and Assented to and sent to the Upper House, with the Paper Bill by Col^o King and eleven more

The House Adjourns to two of the Clock in the Afternoon

Post Meridiem

George Plater Esq^r from the Upper House delivers Mr Speaker the following Message (see page 505.)

Benjamin Tasker Esq^r from the Upper House delivers Mr Speaker the Paper Bill Entituled An Act for issuing and paying out of the Office of the Commissioners or Trustees for emitting Bills of Credit established by Act of Assembly the Sum of £2562..10 Current Money in Bills of Credit to be applied for the Encouragement of Persons Voluntarily enlisting themselves in his Majesty's Service, Indorsed (See page 505.)

Ordered that all Accounts of Publick money be entred and made a part of the Journal of the House

Col^o Gale and Samuel Chamberlain Esq^r from the Upper House, acquaint Mr Speaker that the Governor requires the Attendance of this House on him in the Upper House to see the Act entituled An Act for issuing and paying out of the Office of the Commiss^{rs} or Trustees for Emitting Bills of Credit Established by Act of Assembly the Sum of £2562..10 Current Money &c^a passed into a Law.

L. H. J. Mr Speaker and the rest of the Members of this House went to the
 Lib. No. 46 Upper House where his Excellency passed the Act entituled An Act
 for issuing and paying out of the Office of the Commissioners or
 Trustees for emitting Bills of Credit established by Act of Assembly
 the Sum of £2562..10 Current Money in Bills of Credit to be applied
 for the Encouragement of Persons Voluntarily Enlisting themselves
 in his Majestys Service into a Law by affixing the Greater Seal at
 Arms thereto, and declaring on Behalf of the Lord Proprietary of
 this Province I will this be a Law

After which the Governor made the following Speech (See page 506.)

p. 125 Mr Speaker and the rest of the Members returned

Mr Speaker re-assumed the Chair

Mr Calder, Doctor Carroll, Col^o King and Col^o Colvill Ordered
 to prepare An Address to his Excellency on his Speech.

Samuel Chamberlain Esq^r from the Upper House delivers Mr
 Speaker the following Message. (See page 507.)

p. 126 The Question was put whether any further Question shall be now
 put relating to the Bill now in the House for raising 6^d p hh^d for
 purchasing Arms and Ammunition for the Defence of this Province,
 before the Upper House sends down the Reviving and the enacting
 Bills now before them or Not. Resolved in the Negative.

For the Negative

| | | |
|--------------|------------------------|-------------------------|
| Mr Waughop | Mr King | Mr Sheredine |
| Read, | Stoughton | Mathews |
| Swann, | Goldsborough, | Caswell |
| Wilson, | Edw ^d Lloyd | Edw ^d Sprigg |
| Calder, | Rob ^t Lloyd | Wootton, |
| Carroll, | Thomas | Osborn Sprigg |
| Smith, | Ennalls | Magruder |
| Weems | Brannock | Edward Wright |
| Joseph Hall, | Colvill | Pemberton |
| Brome, | Rumsey | Wilkinson |
| Courts, | Pearce | R. N. Wright |

For the Affirmative

| | | |
|-------------|--------------|-----------|
| Mr Aisquith | Mr Middleton | Mr Trippe |
| Harris, | Hanson | Dulany |
| Hynson, | Henry | Gordon |
| Denton | Gale | |
| Henry Hall, | Hooper | |

The House Adjourns to the Morrow Morning at 9 of the Clock.

Wednesday Morning June 4, 1740

L. H. J.
Lib. No. 46
June 4

This House met according to Adjournment

All Present as on Yesterday except M^r Edward Lloyd. Col^o Hooper Captain Ennalls and M^r Goldsborough, are Ordered to treat with the Indians on behalf of the Publick, concerning the Purchase of a Tract of Land called Darby, formerly settled by Act of Assembly on the Indians, and now in their Possession, which was the Property of M^r Charles Sewall his Ancestors, and by them, or him in any manner that appears never sold or disposed of

The following Address to his Excellency was brought in Read Approved and Ordered to be Ingrossed (See page 512.)

The Address to his Excellency was brought in Ingrossed and being prepared & signed on behalf and by Order of the House, by the honourable Speaker M^r Smith—and Col^o Hanson Ordered to acquaint the Governor therewith, and to know when and where his Excellency will receive it they return and acquaint M^r Speaker the Governor will be ready immediately to receive the Address in the Conference Chamber p. 127

M^r Smith, and M^r Gale ordered to present the Address.

The House Adjourns to two of the Clock in the Afternoon

Post Meridiem

The House met according to Adjournment

The following Message (See page 508.)

Sent to the Upper House by M^r Robert Jenkins Henry & M^r Robert Norrest Wright. the following Advertisement.

In Pursuance of An Act of Assembly of this Province for Encouragement of his Majestys Levies within the same made and passed At a Session of Assembly begun and held at the City of Annapolis on the 23 day of April 1740 for the Encouragement of Freemen to enlist themselves notice is hereby Given that every Person who is a Freeman and of sufficient Ability of Body to perform the Service, and shall voluntarily enlist himself with some one of the several Captains or Superior Officers to be Commissioned by his Majesty, as a Common Soldier in the present intended Expedition against some of the Spanish West Indies will by Virtue of the said Act be intituled to receive to his own Proper Use the Sum of Five Pounds Currency either of George Plater of Saint Marys County Esq^r Col^o Levin Gale of Somerset County, John Rousby of Calvert County Esq^r Col^o Henry Hooper of Dorchester County, Philip Lee of Prince Georges County Esq^r Matthew Tilghman Ward of Talbot County Esq^r Col^o Robert Hanson of Charles County, Col^o James Holliday of Queen Anns County, Col^o Charles Hammond of Ann Arundel County, Col^o James Harris of Kent County Col^o Roger Mathews of p. 128

L. H. J. Baltimore County, or of Thomas Colvill of Cecil County, such
 Lib. No. 46 Person so inlisting as aforesaid first producing to the Agent before
 named for the County where such Person inlists, A Certificate in
 Writing under the hand of such Captain or Superior Officer, declar-
 ing that such Freeman is duly Inlisted and entered as a Soldier with
 him in his Majestys Service and that the Person so inlisted is in such
 manner secured as that the said Captain or Superior Officer is under
 no Apprehension of such Soldiers deserting the Service or which
 Certificate such Soldier is to give a receipt to such Agent for the said
 Money: and which said Five Pounds is over and above the Arms,
 proper Cloathing, Pay, Share of Booty & being brought back (if
 desired) after the Service is over, which such Person may expect
 from his Majestys Promise to that Purpose.

And as a farther Encouragement to such Soldiers it is by the said
 Act provided that any such Soldier returning into this Province after
 the said Service is over and within eighteen months after his being
 discharged therefrom, and producing a Certificate of such discharge,
 and of his good Behavior during the Service, under the hand and Seal
 of his Captain or Superior Officer, to the Justices of the next [Court]
 for the [County] where he shall incline to reside shall for seven
 Years next after his Application to the Court as aforesaid be ex-
 empted from the Payment of any Publick County or Parish Taxes or
 Levies, whatsoever and also from any Service or Attendance relating
 to the Highways within this Province

Was Read and Approved

The following Address to his Excellency, was brought in Read,
 Approved and Ordered to be Ingrossed (See page 513.)

p. 130 The Address to his Excellency being Ingrossed the same was
 Signed on behalf and by Order of the House by the honourable
 Speaker

Col^o Hanson and M^r Mathews Ordered to acquaint his Excellency
 this House hath prepared an Address to him, and to desire his Ex-
 cellency will let this house know when and where he will receive it
 they return and acquaint M^r Speaker the Governor is ready to receive
 the Address in the Conference Chamber immediately

Ordered that the Address be presented by M^r Speaker

M^r Speaker left the Chair and attended by the Members of the
 Lower House Presented to his Excellency the Address of this House
 in the Conference Chamber

The Several Members of the House returned

M^r Speaker reassumed the Chair

Captain Richard Gist a member returned for Baltimore County
 appears in the House

M^r Mathews and M^r Sheredine sent to the Upper House to see him
 qualified

They return and acquaint M^r Speaker they see him qualified in the usual manner

L. H. J.
Lib. No. 46

The Gentleman took his place in the House

Col^o Hammond from the Upper House delivers M^r Speaker the following Message (See page 509.)

M^r Speaker communicated to the House the following Answer from his Excellency to the Address of this House Viz. (See page 513.)

Ordered that the Clerk of this House Enter the several Accounts of the Commissioners or Trustees of the Paper Currency residing in England as they are transmitted and that he be allowed a reasonable Satisfaction for the same

The Address to his most Excellent Majesty having been Ordered to be Entred on the Journal, was as followeth (viz.)

To the Kings most Excellent Majesty in Council

The Address and Petition of the House of Delegates of the Freemen of the Province of Maryland in General Assembly Convened

Most humbly Sheweth

That your Majestys Faithful and Loyal Subjects the Inhabitants of the Province of Maryland daily suffer many Aggrievances Extortions and Oppressions under the Proprietary Government of the Right Honourable the Lord Baron of Baltimore his Governor Ministers and Officers that our Rights as British Subjects are Invaded by having Taxes laid upon Us without any Law and Ordinances made by Our Proprietary or his Governor with the Advice of a Council of his own Choosing and who share in the Spoils of the People by holding the Principal Offices in the Government Imposed on us as Laws that ever since the Year Seventeen hundred and thirty three his Lordships Officers have by his directions Levied and still Continue to Levy a Tax of twelve Pence Sterling on every Hogshead of Tobacco exported out this Province without any Law that we know either of this Province or Great Britain for their so doing which Money amounting in the whole to a very large Sum his Lordship receives and converts to his own Use

That he also unlawfully exacts and takes a Tax of Fourteen Pence for every Ton of Burthen of all Vessels Trading in or to this Province and not properly belonging thereto and the same also applies to his own use which greatly affects the Trade and Interest as well of Your Majestys Subjects of Maryland as those of Great Britain and other Colonies trading into this Province

That his Lordship or his Governor in his Absence with the Advice of his Council take upon themselves Arbitrarily to Settle and Assess the Fees in the Courts of Justice and other Publick Offices of the Government by Way of Proclamation and refuse to Consent to any

L. H. J. Law proposed to that purpose unless the Delegates would Agree to
 Lib. No. 46 such Exorbitant Rates as they are pleased to exact and to make such a Law perpetual which as those Fees are rated in Tobacco which being a Commodity of a fluctuating and uncertain Value would in time prove an Intolerable Burthen to the People, which evil We conceive to be principally owing to the Advice and Influence of his Lordships Council who at the same time they exercise a part in the Legislature without any Authority as We humbly conceive from the Royal Charter are possest of the Offices wherein the most Considerable part of those Fees arise

That Our Courts of Justice are in a great Measure shut up against the People by a late Practice of taking Judgment Bonds for Fees before they become due and by the cruel and oppressive means used by Sheriffs and other Officers in the prosecution of those Bonds

That the Courts of Judicature are absolutely under his Lordships Power and Influence inasmuch as the Judges not only hold their Places by Commission during his Pleasure but also many of them Enjoy the principal Offices of Profit and Trust in the Province by which means your Petitioners and their Constituents cannot reasonably expect an equal and impartial Administration of Justice when their Properties come in Competition in any of those Courts with that of their Proprietary or when they shall be so unhappy as to have a Proprietary capable of being so much Biassed by self Interest as to appoint Judges to Suit his own particular Purposes and your Majestys Petitioners beg leave in the most humble manner to represent that they conceive it to be altogether upon the Foot and in Confidence of this manner of appointing Judges that his Lordship takes upon him in his Court of Chancery held in his own name by Decree of his Governor under the Character of Chancellor to Vacate the Patents or Grants of Land made by himself or his Ancestors to the Inhabitants here under Pretence that the Tracts granted contain Greater Quantities of Land than were Originally intended to have been sold altho those Lands have always been at first Surveyed and laid out by their own Officers and Granted under certain Specifick Lines and Boundaries and expressed in such Grants to contain a certain number of Acres more or less and it is by the same means as we apprehend that his Lordship has of late exacted from his Tenants Alienation Fines on Devises of Land Altho there is neither any Condition in the Grants or Laws of the Province to Warrant the same by means whereof the Estates of your Petitioners are rendered altogether Precarious and Subject in a great Measure to the Arbitrary Will of the Lord Proprietary Many are the Aggrievances We suffer besides those here mentioned too Tedious to lay before Your Majesty at present and wherein We hope his Lordship will consent to relieve Us if We shall be so happy as to Obtain Your Majestys Royal Order for Redress in the Premises

We beg leave in the most humble manner to assure your Majesty that none of your Subjects are more Peaceably disposed or more firmly attached to your Royal Person and Government than the Inhabitants of the Province of Maryland and that none of Your Majestys Colonies, in America would become more useful to Our Mother Country were We not Dispirited and Impoverished by being deprived of the Rights and Priviledges of British Subjects and that We have at all times been and still are ready and willing in a legal manner to grant and raise such Supplies as are necessary for the Honourable Support of the Government and Defence and Preservation of the Province so far forth as our Circumstances will admit of.

May it therefore please your Majesty to take the Complaint of Your Dutiful Subjects into Your Royal Consideration and upon due Proof made of the Facts contained to Order and Direct for Our Relief therein as to your Majesty in your Royal Wisdom and Goodness shall seem most just & Reasonable

And Your Faithful Subjects and Petitioners as in Duty Bound shall ever pray &c^a

May 9th 1740

On behalf of the House of Delegates of the Province of Maryl^d

Signed p Order

Philip Hammond Speaker

The House Adjourns to the Morrow Morning at nine of the Clock

Thursday Morning June 5, 1740

June 5

The House met according to Adjournment &c^a

M^r Speaker communicated to the House the following Answer from the Governor to the Address of this House presented yesterday (See page 515.)

The House Resolved, that the Upper House keeping before them the Bills sent from this House, longer than the usual and reasonable time upon any Pretence whatsoever is a dangerous Innovation introductive of many Inconveniences, and of altering the usual method of Proceeding in Assemblies; and that threatning this House with the fall of all those Laws usually Revived and Re-enacted in which the Publick Utility and Benefit of the Inhabitants are so essentially concerned till this House comply with their unreasonable demands is using compulsory means with this House to give up the Rights and Priviledges of the People and tends to the making themselves Absolute, and the Delegates of the People Useless

The House Adjourns to two of the Clock in the Afternoon

L. H. J.
Lib. No. 46
p. 135

Post Meridiem

The House met according to Adjournment &c^a

An Address to the Governor was brought in, Read Approved, and Ordered to be Ingrossed (See page 516.)

The Address to the Governor being Ingrossed the same was Signed on Behalf and by Order of the House for the Honourable Speaker

Col^o Hooper and Col^o Hanson Ordered to acquaint the Governor this House hath prepared an Address to him and to know when and where he will receive it They return and acquaint M^r Speaker the Governor will receive it immediately in the Conference Chamber

Col^o Hanson and M^r Wootton Ordered to present the Address to the Governor

George Plater and Edmund Jenings Esq^{rs} from the Upper House acquaint M^r Speaker the Governor requires the Attendance of the Lower House immediately in the Upper House

M^r Speaker left the Chair and with the rest of the Members of the Lower House went to the Upper House, where his Excellency made a Speech a Copy of which he did not deliver to M^r Speaker.

His Excellency acquainted the Gentlemen of the Lower House, that by Advice of his Lordships Council of State he Prorogued this Assembly until the second Tuesday of November next, and that they were to take notice they were accordingly Prorogued

So endeth this first Session of Assembly this fifth day of June in the twenty Sixth Year of the Dominion of Charles Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltimore; and In the Year of Our Lord God 1740

Test. M Macnemara Cl lo. ho.

ACT

At a Session of Assembly begun & held at the City of Annapolis the 23^d Day of April in the 26th Year of the Dominion of the Right Honourable Charles Absolute Lord & Proprietary of the Provinces of Maryland & Avalon Lord Baron of Baltimore &c Anno Domini 1740 And ending the fifth Day of June following

Lib. B. L. C.
p. 192

The following Law was Enacted & Assented to by his Excellency Samuel Ogle Esq^r Governour

An Act for Issuing and Paying out of the Office of the Commissioners or Trustees for Emitting Bills of Credit Established by Act of Assembly the Sum of Two thousand five hundred & Sixty two Pounds ten Shillings Current money in Bills of Credit to be Applied for the Encouragement of Persons Voluntarily Inlisting themselves in his Majesty's Service.

[See 28
Archives
Council, pp.
177 to 180,
193 to 203]

Whereas it Appears to this General Assembly by a Proclamation Published by his Excellency Samuel Ogle Esquire his Lordships Governour & Commander in Chief in & Over this Province of Maryland bearing Date at Annapolis the Eleventh Day of April in the twenty fifth Year of his Lordships Dominion & in the Year of Our Lord God One thousand Seven hundred & forty that his Majesty's Pleasure had been Signified by his Grace the Duke of Newcastle one of his Majestys Principal Secretaries of State by his Grace's letter of the fifth of January last that his Majesty having thought fitt to declare War against Spain & being determined by all Possible means to distress & annoy the Spaniards in the most Effectual manner & Particularly by making an Attempt upon some of their most considerable Settlements in the West Indies had been Pleased for that Purpose to order a Large body of Troops under the Command of the Lord Cathcart a Major Gen^l of his Majesty's forces to come from Great Britain with a Sufficient Convoy of Men of Warr to a Proper Place in the West Indies to be Appointed for that Purpose to be Joined by a Squadron under the Command of Vice Admiral Vernon in the West Indies and by such a number of Troops as might be raised in his Majestys Colonies & Islands in America And that it had been represented to his Majesty that a very considerable number of Men might be easily had upon Proper Encouragement in the British Plantations and Particularly in his Majesty's Colonies on the Continent of America to Serve in Conjunction with the Regular Troops to be sent from home of all which his Majesty thought Proper that notice should be given in order that the necessary Dispositions might be made for facilitating as soon as Possible the raising the

Lib. B. L. C. said Troops to be Commanded by Colonel Spotswood And Whereas his Majesty had been most Graciously Pleased to declare his Royal Intentions to give all Proper Encouragement to the new Levy's by Ordering them to be Supplied with Arms & Proper Cloathing and to be paid by his Majesty with an Assurance of their Coming in for their Share of any booty that might be taken from the Enemy and of their being sent back to their Respective Habitations when the Service should be Over unless any of them should desire to Settle themselves Elsewhere and that his Majesty would Order to be sent by Colonel Blakeney Adjutant General of all the forces (who might be very soon Expected) a number of Blank Commissions to be given by the Several Governours to the Officers who should Command the Troops under Colonel Spotswood & that Transports & all necessarys
 p. 193 would be Provided to carry the Troops to the Place of General Rendezvous We his Majesty's Dutifull & Loyal Subjects the Governour & Upper & Lower Houses of Assembly of the Province of Maryland in General Assembly Convened being moved by our Zeal for his Majesty's Person & Government The sense we have of the Sufferings of our fellow Subjects under the Cruelties & depredations of the Spaniards & for the more Effectual Encouragement of his Majesty's Levies within this Province have chearfully and unanimously given and granted the Sum of Two thousand five hundred & Sixty two pounds ten Shillings Current money of Maryland in Bills of Credit to be Issued & paid out of the Office of the Commissioners or Trustees for the time being Appointed for Emitting Bills of Credit Established by Act of Assembly in manner as herein after directed and humbly Pray that it may be Enacted And be it therefore Enacted by the Right Honourable the Lord Prop^r by and with the Advice & Consent of his Lordships Governour and the Upper and Lower Houses of Assembly & the Authority of the same that the af^d Sum of Two thousand five hundred & Sixty two Pounds ten Shillings Curr^t mony in Bills of Credit aforesaid shall be Issued & paid out of the Office af^d by the Commissioners or Trustees af^d for the time being who are hereby Authorised & required to Issue & Pay the said Sum of two thousand five hundred & Sixty two Pounds ten Shillings within Twenty Days after the end of this Present Session of Assembly in Manner & to the Persons hereafter mentioned that is to Say To George Plater Esquire of Saint Marys County the Sum of two hundred & five pounds To Colonel Levin Gale of Somerset County the Sum of two hundred & five pounds To John Rousby Esq^r of Calvert County the Sum of Two hundred & five pounds To Colonel Henry Hooper of Dorchester County the Sum of Two hundred & five pounds To Philip Lee Esq^r of Prince Georges County the Sum of three hundred & Seven Pounds ten Shillings To Mathew Tilghman Ward Esq^r of Talbot County the Sum of two hundred & five pounds To Colonel Robert Hanson of Charles County the Sum of two hundred & five pounds To Colonel James Hollyday of Queen

Anns County the Sum of two hundred & five pounds To Colonel Charles Hammond of Ann Arundell County the Sum of Two hundred & five pounds To Colonel James Harris of Kent County the Sum of two hundred & five pounds To M^r Roger Mathews of Baltimore County the Sum of two hundred & five pounds and to Colonel Thomas Colvill of Cecil County the Sum of two hundred & five pounds Current money af^d in Bills of Credit af^d who are hereby Authorized & Appointed as Agents in their Respective Counties af^d to take & receive the Several & respective Sums of money af^d from the Commissioners or Trustees af^d for the time being w^{ch} said Commissioners or Trustees are hereby Impowered & required to pay the same as af^d & to take Receipts respectively for the same which Receipts shall be Sufficient Discharges to them the said Commissioners or Trustees for so much money so paid as shall in them be respectively mentioned & Contained And be it further Enacted by the Authority & with the Advice & Consent af^d that it shall & may be Lawfull for the af^d George Plater Levin Gale John Rousby Henry Hooper Philip Lee Mathew Tilghman Ward Robert Hanson James Hollyday Charles Hammond James Harris Roger Mathews & Thomas Colvill & Each of them Respectively to take to the Proper use of Each of them as a Commission for receiving & Paying the Several & Respective Sums of Money af^d the Sum of two pounds Ten Shillings for every hundred Pounds & in the same Proportion for a larger or lessor Sum from & out of the Respective Sums of money by them as af^d to be received & the Residue of the said respective Sums of money after the deduction of the Commissions as af^d to Apply & pay to such Freeman of Sufficient Ability of body and fit for Service at the rate of five pounds to Each Freeman in the respective Counties af^d where the Agents af^d do commonly reside or in any other County within this Province if a Sufficient number in the Perticular Counties are not to be found who shall Voluntarily Inlist & enter themselves as Common Soldiers in his Majesty's Service for the Expedition af^d with any Captain or other Superior Officer who shall be duly Commissioned by his Majesty for that Purpose such Captain or other Superior Officer having first Certifyed by Writing under his hand to such Agent or Agents that such Freemen are duly Inlisted & Entred as Soldiers with such Captain or other Superior Officer in his Majesty's Service & is in such manner Secured that the said Captain or other Superior Officer is not under any Apprehension of such Soldiers deserting from the Service And that the same Agents & each of them on payment of the money as af^d shall take a receipt on such Certificate from each Soldier for the Sums of money to them respectively paid And that no Creditor may by Virtue of this Act be deprived of his debt Be it further Enacted that every Captain or other Superior Officer af^d with whom any ffreeman shall Inlist & claim the bounty af^d shall set up or Cause Advertisements to be Sett up at the Court House & other Publick Places of the County

Lib. B. L. C. where such freeman shall reside thereby giving Publick notice that such Freeman or freemen hath or have Inlisted him or themselves as Soldiers in his Majesty's Service with such Captain or other Superior Officer & requesting all the Creditors of such freeman or freemen within ten Days after such Notice to lay their several Claims or debts before the Agent of the County & if the Claims or debts of any one Freeman Inlisting as af^d shall not in the whole Amount to more than five pounds then such Agent shall pay the five pounds due by Virtue of this Act or so much thereof as the said Debts shall Amount unto to such Creditor or Creditors respectively According to their Several Claims & if any dispute should Arise between the debtor & Creditor concerning the Justice of any such Claim or Debt the same shall be determined by such Agent who is hereby Impowered in a Summary way to hear & determine the same but if upon the Claims af^d of the Creditor or Creditor's it shall Appear to such Agent that any Inlisted Freeman af^d owes more than five pounds in the whole then such Freeman whose debts Amount to above five pounds shall not be Entitled to the bounty af^d & shall be Equally liable to his Creditors as if this Act had never been made And be it further Enacted that every freeman Inlisted as af^d shall by Virtue of this Act be free & Exempted from any arrest for debt from the time of Setting up the Advertisements af^d for the space of ten Days from thence next following And that no Person whatsoever shall Sue Arrest or Implead any Freeman Inlisted as af^d for any Claim or debt not Claimed or Produced to such Agent within the ten Days af^d And be it further Enacted by the Authority af^d that in case the said intended Expedition shall be put off by his Majesty & that the Commissioners mentioned in the af^d letter of his Grace the Duke of New Castle shall not be sent into this province for the Inlisting men as af^d for his Majesty's Service under the Command of General Spotswood or other General Appointed by his Majesty at or before the fifteenth Day of May One thousand Seven hundred & forty One or that in case the said Expedition shall be prosecuted & Commissions shall be Sent in as af^d and that Contrary to the hopes & desire of this Present General Assembly the number of Men cannot be had who may Voluntarily Inlist themselves for his Majesty's Service within this Province as af^d whereby the said Sum shall not be wholly Applied as herein before directed that then & in such Case the said Severall & respective Agents herein before named for the Severall & respective Counties of this Province shall be & are hereby Obligated to repay into the said Office unto the said Commissioners or Trustees Appointed for Emitting the bills of Credit Established by Act of Assembly for the time being the said Severall & respective Sums so as af^d by them received or such Ballance or Ballances as shall remain in their or either of their hands respectively & unpaid or unapplied to the uses or Purposes af^d and that such Commissioners be hereby Obligated to Sign receipts to the said Agents respectively

for the same & that such receipts returned to the then next General Lib. B. L. C. Assembly to be held for this Province shall be deemed & taken as a Sufficient discharge & Acquittance to such Agent or Agents respectively for such Sum or Sums as shall be in the said Severall & respective Receipts contained and that the said Commissioners or Trustees Appointed for Emitting the bills of Credit Established by Act of Assembly for the time being shall give Credit in the Books of the said Office for such Several & respective Sums as shall to them be so repaid by the respective Agents as af^d And that they the said Commissioners or Trustees be & are hereby made Chargeable with p. 195 the said Money so repaid in the same manner as for other money or bills of Credit by them received or Lodged in the said Office for the use of the Publick of the Province af^d & that the same be Applyed to any uses for which it had been heretofore Appropriated by any Law of this Province heretofore made & at the time of such repayment in force And be it further Enacted by the Authority af^d by & with the Advice & Consent af^d that the af^d Severall & respective Sums of money so as af^d to be Issued & paid to the Agents aforesaid or so much thereof as shall be Applyed to the uses & purposes af^d shall be Assessed on the Taxable Inhabitants of this Province in the Publick Levy in three different Years by three Equal Portions that is to say One third Part to be Assessed in the Publick Levy which shall be in the Year of Our Lord One thousand Seven hundred & forty One & the other two third parts in the two Succeeding Years Severally And that the Severall Sums so assessed shall be Collected & Levied of & from the Severall Taxables af^d by the Sheriffs of the respective Counties af^d and be by them paid to the Commissioners or Trustees af^d on or before the Last Day of May Yearly after such Collections together with the Sheriffs Salary of five Pounds Per Centum thereon w^{ch} money so repaid to the Commissioners or Trustees af^d by the Sheriffs af^d shall from the time of such Payments remain in the hands of such Commissioners or Trustees to the Credit of the Province & in all respects in the Condition & Circumstances as the same were before the making of this Act And for a further Encouragement for the Persons af^d Voluntarily Inlisting as af^d Be it Enacted by the Authority af^d that all & every such Person as af^d who shall Inlist & Serve his Majesty in the Expedition af^d having first received the bounty af^d by this Act Granted & after the same Expedition is over shall return to this Province within Eighteen months after his being discharged from his Majesty's Service af^d having a Certificate of such discharge & of his Good behav^r during the Service under the hand & seale of his Captain or other Superior Officer shall by Virtue of this Act from the time of his return af^d for the Space & Term of Seven Years from thence next following be Exempted from the Payment of any Publick County or Parish Taxes or Levies whatsoever & also shall be free & clear from all or any Service or Attendance in making or Clearing the High ways of this

Lib. B. L. C. Province any Law usage or Custom to the Contrary notwithstanding And be it further Enacted that all & Every such Person af^d Inlisting & receiving the bounty af^d shall Pass & repass over all Ferries within this Province fferriage free whilst such Person or Persons shall Continue in his Majesty's Service & be in the Actual Exercise of his duty And for the better Ascertainning the time of return of the Persons or Soldiers af^d from the Expedition af^d Be it further Enacted that he or they so returning shall Apply to the Court of the County where he or they shall Incline to reside to be held next after such return & Produce to the Justices of that Court his or their Certificate or Certificates of Discharge af^d which Certificate or Certificates the same Justices respectively are hereby required to cause to be Enrolled amongst the Records of their Courts & an Indorsment to be made by their Clerk under his hand & the Seale of such Court of the Day of the Inrollment thereof from which Day the Exemptions af^d for the Seven Years af^d shall Commence And that it may the more Certainly Appear what Persons have so Voluntarily Inlisted themselves in his Majesty's Service as af^d & who may hereafter Claim the Exemption & Encouragem^t above Granted the said Several & respective Agents are hereby required & Obliged to return Lists of such Persons so Inlisted in their Respective Counties (and in what Company & under what Captain & Lieutenant) to one or more Justice or Justices of their Respective Counties which Justice or Justices shall Produce the same to the next County Court which Court shall order the same to be Recorded by the respective Clerks in the Records of their Respective Counties Exofficio without fee or Reward And be it further Enacted by the Authority af^d that Jonas Green Printer be & is hereby directed & required Immediately after the Passing of this Act to Print & Publish Advertisements setting forth the Severall

p. 196 Bounties & Encouragements by this Act Established for Inducing Volunteers to Enter into his Majesty's Service Agreeable to the laudable Intentions hereby Proposed in such form as shall be Ordered by the Lower House of Assembly of this Province & lodged in the hands of the Clerk of the said House to the Number of Six hundred & that as soon as he has so printed the said Advertisements he is by this Act directed to deliver the same to the Clerk of the Council who is hereby required with all Convenient Speed to send fifty of the same directed to Each Sheriff of the Several Counties to be by Each Sheriff respectively Published & they are hereby Strictly Charged & required to Publish the same by reading them at all Churches & Chappells in their Severall & Respective Counties Immediately after divine Service & before the People shall be dispersed on the next Lords Day after the same Advertisements shall come to their Respective hands & with all Convenient Speed cause the same to be read at the Several Court Houses of the Respective Counties to be set up & Affixed at the Severall Church Doors Chappells Court Houses & other the most Publick Places in their Several and respective Counties.

APPENDIX.

The Copy of the Order of Council hereunder mention'd as sent
 Gov^r Ogle Sept^{ber} the 2^d 1737

Calvert
 Papers 295¹
 p. 27

At the Court at Hampton Court the 18th day of August 1737

Present

The King's most Excellent Majesty

| | |
|------------------------|--|
| Arch B-p of Canterbury | Earl Fitzwalter |
| Lord Chancellor | Lord Monson |
| Lord President | M ^r Speaker |
| Lord Privy Seal | M ^r Chancellor of the Exchequer |
| Lord Chamberlain | H ^{vy} Pelham Esq ^{re} |
| Earl of Pembroke | S ^r Char ^s Wager |
| Earl of Cholmondeley | Step ⁿ Pointz Esq ^{re} |
| Earl of Hay | |

Whereas two petitions from the Province of Maryland have been presented to his Maj^{ty} at this Board, the One, from the Governor & Council, & the other, from the Commissary & Clergy of that Province, which Petitions represent (amongst other things) That there is a suit now depending in his Majesty High Court of Chancery of Great Britain between the Lord Baltimore Proprietor of Maryland, & the Family of the Penns who are the present Proprietors of Pennsylvania, concerning the Validity of certain Articles of Agreem^t enter'd into between them for Adjusting the Boundaries of their respective provinces; That pending the said Suit, great Disorders & Outrages have been committed upon the Borders of the Province of Maryland by the Inhabitants of the Province of Pennsylvania, who have set fire to the House of one Cresap when himself, Wife Children & six others were in it, & burnt the same to the ground, & that whilst the said persons endeavour'd to escape the Flames, several Guns were fir'd at them, whereby one man was kill'd & others wounded, & several were taken prisoners & carried to the Goals in Pensylvania; Wherefore the Pet^{ers} most humbly pray p. 28 (amongst other Things) His Majesty's most gracious Interposition & Commands for the Preservation of the Peace on the Borders of the s^d Province, And whereas the Lords of the Committee of Council, to whom his Majesty referr'd the consideration of the said Petitions, have made their Report thereupon to his Majesty at this Board. His Majesty this day took the s^d Report into his Royal

Calvert
Papers 295½

Consideration, & was pleased, with the Advice of His Privy-Council to approve of what is therein proposed, & his Majesty doth hereby accordingly Order & Command, That the Governors of the respective Provinces of Maryland & Pennsylvania for the time being, Do not, upon pain of incurring His Majesty's highest Displeasure, permit or suffer any Tumults Riots or other Outrageous Disorders to be committed on the Borders of their respective Provinces; But that they do immediately put a Stop thereto, & use their utmost endeavours to preserve peace & good Order amongst all His Majesty's Subjects under their Governm^t Inhabiting the s^d Borders; and as a means to preserve Peace & Tranquility on the s^d Borders, His Majesty doth hereby enjoin the said Governors, That they Do not make Grants of any Part of the Lands in Contest between the Proprietors respectively, nor of any Part of the three Lower Countys, commonly call'd Newcastle, Kent, Sussex, nor permit any person to Settle there, or even to Attempt to make a Settlement thereon, till his Majesty's pleasure shall be further Signify'd; And his Majesty is farther pleased to Direct, that this Order, together with Duplicates thereof, be deliver'd to the Proprietors of the said Provinces, who are hereby required to transmit the same forthwith to the Governors of the said respective Provinces accordingly.

Sign'd W. Sharpe
One of the Clerks of the Council

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Papers 295½
p. 30

Copy of the Agreem^t of L^d Baltimore & Mess^{rs} Pens presented to the Council the 4th of May 1738 desiring their Lordships to revoke part of the Order they gave the 18th of Augst 1737 relating to their respective Provinces, viz.

It is Agreed, between the R^t Hon^{ble} Charles L^d Baltimore of the Kingdom of Ireland on the one part, & the said John Penn, Thomas Penn & Richard Penn Esq^{res} on the other part, that this paper be most humbly presented to the Lords of the Council as their Agreement that their Lordships may be pleased so to report the same to his Majesty, as that his Majesty may be graciously pleased to confirm the same by his Royal order in Council

I

That so much of his Majesty's order in Council of the 18th of Augst 1737 as orders "that the Governors of the respective Provinces of Maryland & Pennsylvania for the time being do not, upon pain of incurring his Majesty's highest displeasure permit or Suffer any Tumults, Riots or other outrageous disorders, to be committed or the borders of their respective Provinces but th^t they do immediately put a Stop thereto, & use their utmost endeavours to preserve Peace & good order amongst all his Majesty's Subjects under their Governm^t Inhabiting the s^d borders" do stand in Force & be Observed.

2^{dly}

That there being no Riots that appear to have been committed within the 3 Lower Countys of Newcastle Kent & Sussex upon Delaware. Calvert Papers 295 $\frac{1}{2}$
 It is therefore not thought necessary to continue the latter part of the s^d order in Council as to the s^d 3 lower Countys but that the same former Orders in Council so far as relates to the 1^d 3 lower Countys be discharg'd without prejudice to either of the Proprietors, as if the same had never been made.

3^{dly}

That all other Lands in Contest between the s^d proprietors now possess'd by or under either of them shall remain in the Possession as they now are (altho beyond the Temporary Limits hereafter mention'd) and also the jurisdiction of the respective Proprietors shall continue over such Lands untill the Boundaries shall be finally settled & th^t the Tenants of either Side, shall not attorn to the other, nor shall either of the proprietors or their officers receive or Accept of Attornments fr^m the Tenants of the other proprietor

4^{thly}

That as to all Vacant Lands in Contest between the proprietors not lying within either of the 3 lower Countys & not now Possess'd by or under either of them on the East side of the River Susquehanah down so far South as 15 Miles & $\frac{1}{4}$ of a Mile South of the Latitude of the most Southern part of the City of Philadelphia & on the West side of the s^d River Susquehanah down so far South p. 32
 as fourteen miles & $\frac{3}{4}$ of a mile South of the Latitude of the most Southern Part of the City of Philadelphia, the Temporary Jurisdiction over the same is agreed to be exercised by the Proprietors of Pennsylvania & their Governor Courts & Officers and as to all such Vacant Lands in contest between the proprietors & not now Possess'd by or under either of them, on both sides of the s^d River Susquehanah South of the respective Southern Limits in the paragraph before mention'd the Temporary Jurisdiction over the same is agreed to be exercised by the Proprietor of Maryland, & his Governor Courts & Officers without prejudice to either Proprietor & until the Boundaries shall be finally settled.

5^{thly}

That the respective proprietors shall be at free Liberty to Grant out on the Comon & usual Forms all or any vacant Lands within the s^d provinces of Pensylvania & Maryland in contest between the s^d proprietors (that is to say, within their own respective sides of the s^d several Limits mention'd in the last foregoing paragraph) for the which Lands & the Profits of the same also each proprietor shall

Calvert Papers 295¹ Account to the other, who may be adjudged to be the Proprietor thereof upon the final Determination of the Boundaries between the two Provinces.

6^{thly}

That all prisoners on both sides on acc^t of being concern'd in any Riots or Disturbances relating to the Bounds or for any Act or Thing done thereat or for any other Act touching the Right of either of the s^d provinces in relation to their Bounds be forthwith released & discharg'd on entring into their own respective Recognizance in a reasonable sum to appear & Submit to Tryal when call'd upon by further Order f^m his Majesty.

7^{thly}

That this be declar'd to be a Provisional & Temporary order to continue until the Boundaries shall be finally Settled & be declared to be without prejudice to either party.

8^{thly}

p. 33 That his Majesty may be most humbly moved to Discharge so much of the order of the 18th of Aug^t 1737 as varys for this Agreem^t & th^t the sev^l other petitions of complaint now depending before his Majesty in Council relating to any disturbances, may be withdrawn by the respective petitioners.

The Order of the King in Council at Kensington the 25th of May 1738, upon the Report made from the R^t Hon^{ble} the Lords of the Committee of Council for plantation affair dated the 4th of s^d month, relating to the foregoing Agreem^t of L^d Baltimore & Mess^{rs} Pens, mutually desiring their Lordships to revoke part of their Order of the 18th of Augst 1737.

Present

The King's most Excellent Majesty

| | |
|------------------------|--|
| Arch B-p of Canterbury | Earl of Selkirk |
| Lord President | Earl of Flay |
| Lord Steward | Earl. Fitzwaltar |
| Lord Chamberlain | Viscount Lonsdale |
| Duke of Bolton | Viscount Torrington |
| Duke of Devonshire | Lord Harrington |
| Duke of Newcastle | M ^r Chancellor of the Exchequer |
| Earl of Scarborough | S ^r Charles Wills |
| Earl of Grantham | Henry Pelham Esq ^{re} |
| Earl of Cholmondley | S ^r Charles Wager |

Upon reading at the Board a Report f^m the R^t hon^{ble} the Lords of the Com^{tee} for Plantaⁿ Affairs dated the 4th of this Ins^t in the words following Calvert
Papers 295¹/₂

“Your Majesty having been pleased by your Orders in Council of the 17th of March 1736/7 & the 21st of July 1737 to referr unto this Committee several Petitions from the President, Council & General Assembly of the Province of Pensylvania, & likewise f^m the Gov^r & Council, & the Commissary & Clergy of the Province of Maryland which petitions represent (amongst other things) that great Disorders & Outrages have been Committed upon the Borders of the s^d respective Provinces, & humbly Praying your Majesty’s Most Gracious Interposition & Commands for the preservation of the Peace on the s^d Borders, until the Boundarys of the said Provinces shall be finally settled & Adjusted. p. 34

“The Lords of the Com^{tee} of Council did, on the 29th of the 3^d month of July, take the matter of the s^d complaint into their Consideration, & thereupon Reported to your Maj^{ty} what they thought most advisable for Your Maj^{ty} to do, in order to prevent the farther Continuance of the said Disorders, & to preserve Peace & Tranquility on the s^d Borders, until the Boundarys should be finally Settled: And your Maj^{ty} having Approved of what was proposed by the s^d Report, was pleased, by your Order in Council of the 18th of Augst 1737, to Direct as follows” viz.

NB. then follows a Copy of s^d order of the 18th of Augst 1737 w^{ch} was transmitted to the Gov^r of Maryland the 2^d of September following & of w^{ch} order herein is a Copy fol: 27 & fol: 28.

“That since the Issuing the s^d Order, y^r Maj^{ty} has been pleased to Referr unto this Com^{tee} an Address of the Deputy Gov^r & of the Upper & Lower Houses of Assembly of the Province of Maryland relating to a continuance of the s^d Disorders, & also two petitions, the One in the name of John Thomas & Ric^d Penn Esq^{rs} proprietors of the Province of Pensylvania, praying your Majesty’s farther pleasure may be signified relating to y^r Majesty’s afore-recited Order in Council, of the 18th of Augst 1737. And the Other in the name of the Agent of the s^d Province of Pensylvania, complaining of fresh Disorders comitted by the Inhabitants of Maryland agst those of Pensylvania. Whereupon the Lords of the Com^{tee} did, on the 23^d of Feb^{ry} last, Proceed to take all the Papers relating to the Complaints made by each of the s^d Provinces into their Consideration, & were attended by Counsel on both sides, & likewise by the Proprietors of the s^d provinces, & the Counsel desiring th^t some reasonable time might be allowed the Proprietors to confer together, in order to come to some Agree^mt amongst themselves, th^t so the Peace & Tranquility of both Provinces may be preserved, until such time as the Boundarys can be finally settled. The Lords of the Committee thought proper to comply with such their request. And p. 35

Calvert being again this day attended by all Partys, the Counsel acquainted
Papers 295½ the Com^{tee} th^t the Proprietors of each Province had accordingly
mett & Agreed to the following Propositions" viz.

NB. then there's recited the 8 propositions of w^{ch} herein is a Copy;
folios 31: 32: & 33. & w^{ch} agreem^t copied was sent the Gov^{er} of
Maryland May the 16th 1738

" To which propositions the Proprietors of each province signi-
fied their consent before the Committee, & Declared their readiness
to carry the same into execution if your Majesty shall be pleased to
Approve thereof. And the Committee considering that this Agreem^t
may be a proper Expedient for restoring Peace & Tranquility be-
tween the s^d Provinces, & for preventing any the like Disturbances
for the future, Do therefore Agree humbly to lay the same before
p. 36 y^r Maj^{ty} for y^r Royal Approbation His Majesty this day took the
s^d Report into Consideration & in order to preserve Peace & Tran-
quility between the s^d Provinces & to prevent any the like Disturb-
ances for the future, is Pleased, with the Advice of his Privy Coun-
cil, to approve of the s^d Agreem^t entered into between the Proprie-
tors of the s^d respective Provinces of Maryland & Pensylvania;
And His Majesty is hereby Pleased to Order th^t the Proprietors of
the s^d respective Provinces Do cause the s^d Agreem^t to be carried
into Execution. Whereof Fr^d Rigbie

Black Book I Rec^d yours But can give no Certain answer to your Request The
No. 5 acco^{ts} of the white people killed beyond Potowmack are as various
* 102 as the persons who bring Em. All that we know of any Certainty is
that one Neil McSwain and Ten more were kill'd but by what
Indians I believe is not yet Discovered. The Story of Clothes being
brought here has nothing in it And I am of opinion there was no
such thing bro^t to Harris' for I saw him last week & he said nothing
to me of it I have heard there were some white peoples Clothes
seen in the possession of some Indians passing the River near Shan-
moken by some Indian traders. But whether or no that story is to
be Relyed on I cant Say. And as to the Cause of their being killed
or by what nation Is yet wholly Conjecture

Tis pittty a more Certain Discovery could not be made that proper
measures of Redress might be sought & shall freely Contribute my
Endeavours thereto for the Comon Good & safety

Your ffr^d

Lancast^r County Aug^t the 12th 1738

Sa: Blunston

Balt. County Aug^t 16th 1738

Black Book S^r
No. 5
* 103

On the rec^t of y^{rs} in relation to the Indians I hyred A man & Sent
by Harris'es ferry who could not hear any thing to the p^opose I sent
Likewise to M^r Blunstone at Conostogoe in New Town, requesting

him to favour me wth a Line of what he knew or heard Ab^t the Black Book
Indians &ca. w^{ch} is here inclosed, No. 5

I am wth resp^t

Yo^r Humble Serv^t

Nat: Rigbie, Sher. Bal. Co^{ty}

NB. Y^r Let^r Did not Come to my hand till 8th of Aug^t nor Does Any Publick Lett^{rs} till allmost worne out. Calvert
Papers 278
p. 76

Mr Att^{nry} Gen^l's Opinion, in answer to the Four Querys given by Lord Baltimore, concerning the Right of Nominating a Treasurer in Maryland, viz

NB. Said opinion was inclosed to Gov^r Ogle in a letter to him dated Jan^{ry} the 29th 1736/7 & order'd to be Enter'd in the Council Books at Annapolis.

Qu: 1st Whether by the Charter of Maryland the Lord Proprietor has not a Right to the Nomination of all Officers in general, civil as well as Military?

Ans^r I am of opinion That by the Charter of Maryland the Lord Proprietor has a Right to Nominate & appoint all officers in general, as well Civil as Military.

Qu: 2^d Whether there is any thing Particular in the Nature of the Office of Treasurer of either Shore to Exempt it from the s^d Nomination?

Ans^r It does not appear to me That there is anything so particular in the nature of the Office of Treasurer of either shore, as to take the Right of Nomination to this office, from the Lord Proprietor, & to give it to any other persons.

Qu: 3^d Whether a few precedents in this case, of a Treasurer being appointed by the Tri partite concurrence of both Houses of Assembly & the Governor, can or doe overthrow his Lordship's Right?

Ans^r All the Precedents except one, being between 1692 and 1716, when my Lord Baltimore was out of Possession I am of opinion That they will not overthrow his Ldsp's Right, founded upon such plain words in the Charter. p. 77

Qu: 4th Whether the Precedents hereto annex'd, doe divest the Proprietor of his Right of Nomination to the office of Treasurer or Treasurers so nominated giving the Security the Law directs?

Ans^r The Treasurer or Treasurers when nominated by the Lord Proprietor, must give such Security as the Law directs.

To the other part of this Query, I have given an Answer already.

Sign'd by J: Willes Jan^{ry} 22^d 1736/7

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p. 28

Orders & Instructions to our trusty & well beloved Samuel Ogle Esq^r Governor of Maryland.

p. 29

Baltimore. Whereas it may be proper for a Commission appointing a President of our Council who in case of your Death or any other Inability may take upon him the Charges he is intituled to by virtue of the said Office Our Will & pleasure is that you do cause a Commission to be drawn out, & that you do insert in the said commission the name of such Person As you shall judge most for the Interest of the Provinces who is in the cases aforesaid to Act, as the President of the Council in such cases doth, until some other person, be sent duely qualify'd to supersede him, & that such Commission so fill'd up & sign'd be lodged in the hands of the Clerk of our Council, seal'd up, & not to be open'd but in the cases aforesaid.

We do likewise out of our especial Confidence in your Zeal for the welfare of the Province, give you full Power at all Times either to displace any Person in office, or on Vacancys, to fill up such vacancies, until our further Pleasure be known, & likewise to put any place or places into Commission.

Sign'd & Seal'd this 12th day of October 1737 at London & in the 21st year of our Dominion.

By Command of his Ldsp Sign'd by William Janssen Sec^{ry}

Orders & Instructions to our trusty & well beloved Benjamin Tasker Esq^{re} our Agent & Receiver General in our Province of Maryland.

Baltimore. As to what Foreign whole Gold & Silver, which at any time you may receive in Payments on our Accounts, tis our will & pleasure.

1st that you do not allow more than three Pounds seventeen Shillings & Six pence sterling per ounce for said gold, nor more than five shillings & three pence Sterling per ounce for said Silver, & you are hereby order'd for the future to observe not to take any cutt Gold or Silver at all in said Payments.

And whereas we have been inform'd that great waste has been & continues to be made on our Mannor adjoining to Richard Snowden's.

2^d 'tis our will & pleasure that you take especial care forthwith to prosecute all such Offenders.

Given under our Hand & Seal at London this 12th Day of October 1737 & in the 21st year of our Dominion

C: B:

By Command of his Ldsp Sign'd by Will. Janssen Sec^{ry}

The Form of a Warrant to his Ldsp's Agent in Maryland to Allow so many hhds of Tobacco to be Exported thence Duty free as were lost in any Ship or Vessell homeward bound, viz.

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London March the 28th 1738

Baltimore

p. 30

At Sight hereof you are to direct the Naval Officer to Allow John Philpot of London Merch^t or his order to Export Duty free on board any Ship as many hogsheads of Tobacco as he paid for at clearing out of Maryland of the within mention'd Ship call'd the Ford's Green burthen 150 Tons or thereabouts whereof Will^m Darnall was late Master, pursuant to the Proviso made in the Act Entituled an Act for Emitting & making current 90000£ current Mony of Maryland in Bills of Credit &^{ca} or by any other Act now in Force for which this shall be your sufficient Warrant.

C. B.

By his Ldsp's Order Will: Janssen Sec^{ry}

To Benjamin Tasker Esq^r his Ldsp's Agent & Receiver General in Maryland.

An Instruction to Our Trusty & well Beloved Sam^l Ogle Esq^{re} Gov^r of the Province of Maryland

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You are to Require of the Agent and Secretary & all other Officers concern'd in the Land Office, Lists of the Fees in their Respective Offices, & to Transmit the s^d Lists over to me with your Remarks p. 81 thereon.

Given under our Hand & Lesser Seal at Arms this 15th of Dec^r 1738 & in the 24th year of our Dominion at London

By his Ldsp's Com^d W^m Janssen Sec^{ry}

An Instruction to our Trusty & well Beloved Edm^d Jenings Esq^{re} Secretary of the Prov: of Maryland.

You are forthwith to deliver to the Gov^r a List of such Fees as are taken in your office for any matter or thing relative to our Land-Affairs

Given under our Hand & Lesser Seal at arms at London this 15th of Dec^r 1738 & in the 24th year of our Dominion.

By his Lordsp's com^d W^m Janssen Sec^{ry}

Instructions to our Trusty well Beloved Benj^a Tasker Esq^{re} Agent for the Prov. of Maryland

Whereas several Inconveniencys & disputes have arisen touching the taking up of Surplus or other Lands, & whereas we have by Vertue of the Royal Charter an undoubted Right to all Lands in the Province of Maryland ungranted by us or our Predecessors, and

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as many doubts or rather Pretences have arisen touching the non-payment of Rent on Surplus or other Lands; Now to Avoid all distinctions or controversies for the future in such cases, we do
p. 82 Authorise & Impower You, with the Advice & consent of our Governor & Secretary for the time being, to grant any Surplus or other Lands, our Mannors or Reserves Excepted, on such terms & conditions as to you shall seem equitable & just, tho' not under the conditions of four shilings reserved Rent per hundred Acres, & five pounds Sterling per cent Acres caution mony: You are Nevertheless to demand where the case will Admit of it, such farther Caution mony or Reserved. Rent as to you & the Gov^r for the time being, shall seem just & Expedient.

2. It having been represented to us that many of the Back-Lands in the Province, by reason of their distance, will not bear the reserve of 4^c per 100 Acres; in order therefore to give all due Encouragem^t for the Settling the s^d Lands, Our Will is, with the Advice & consent as is in the Instruction afores^d you do Grant such Lands not under a Reserve of 2^c per 100 Acres Reserved Rent, & 5 £ St: caution mony per 100 acres.

3. And whereas it has been represented to me, that the Fees of the Land-Office, are very grievous to my Tenants, You are to Deliver to the Gov^r to be transmitted to me, an exact List of the Fees relating to that part of the Land Office that concerns the Agent

p. 83 4 You are not to Lett or Grant any Lands in the City of Annapolis or within five miles about the same, without particular Instructions from me, & to cause the strictest Reserve to be laid on & enter'd in all the proper Offices for the purposes afores^d, & forthwith to transmit a Copy of the entry or entrys of the s^d Reserve; and whereas many persons holding Lands within the Bounds afores^d under titles derived from Messieur Boardly or Larking, whose Titles we have great reason to think invalid or fraudulent, may make applications for having their title or titles made good to them, You are to apprise the Governor, of all such Application or applications, & then to transmit such Application with a Survey, Draught or Plan thereof to me, & not to proceed therein but by my particular Direction under my Hand & Lesser Seal and as there are many persons who hold Lands under the titles afores^d & have not as yet been proceeded agst, You are to consult with the Att^{ny} Gen^l what is proper to be done

NB. You are as usual to lett this Instruction be properly Enter'd.

5 Whereas you have been always directed that one of the conditions of the Collectors of the Quit Rents shou'd be, th^t every individual Collector shou'd deliver unto you, (before you do make him his Allowance,) annually, a Copy of the Rent-Roll by which he has that year collected; you are again directed strictly to comply with

this Instruction, & to remember this is the last time, this will be repeated to you: You are likewise to transmit over a Verbatim Copy of one of the Agreements with the Collectors of the Quit Rents.

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An Instruction to our trusty & well Beloved Sam^l Ogle Esq^r &^{ca} p. 84
viz.

Whereas several Inconveniencys may arise, in any one being appointed Clerk of any of the Countys contrary to the Approbation of our Gov^{or} for the time being, Tis my will & Pleasure th^t you acquaint the Secretary th^t for the future no one be appointed for the s^d Offices but with your approbation & consent.

Given at London this 22^d of Feb^{ry} 1738/9 & in the 24th year of our Dominion under our hand & lesser Seal at Arms.

By his Ldsp's Order W^m Janssen Sec^{ry}

INDEX.

Words marked with a star are names of land tracts in Maryland. No entry is made of references of a purely formal nature as to the Lord Proprietary, the King of England, the Governor of the Province, the Speaker of the Lower House, the Clerks of the two Houses of Assembly, or the Seat of Government. The Session of April, 1737, occupies pages 1 to 102; that of August, 1737, pages 103 to 142; the Convention of May, 1738, pages 143 to 207; the Convention of May, 1739, pages 209 to 422; and the Session of April, 1740, pages 423 to 584.

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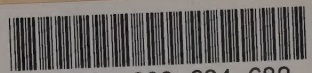
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